



**CITY OF OKEECHOBEE**  
**CITY COUNCIL REGULAR MEETING**  
**JUNE 16, 2020**  
**LIST OF EXHIBITS**

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Draft Minutes	May 19, 2020
	June 2, 2020
Warrant Register	May 2020
Exhibit 1	Temporary Easement
Exhibit 2	Ordinance No. 1212, Comp Plan Small Scale Future Land Use Map Amendment
Exhibit 3	Overview of Draft Economic Development Strategy and Disaster Resiliency Plan
Exhibit 4	Ordinance No. 1213, Rezoning Petition No. 20-001-R
Exhibit 5	Ordinance No. 1214, Rezoning Petition No. 20-002-R
Exhibit 6	Overview of Charter Review



**CITY OF OKEECHOBEE, FLORIDA**  
**MAY 19, 2020, REGULAR CITY COUNCIL MEETING**  
**DRAFT SUMMARY OF COUNCIL ACTION**

**I. CALL TO ORDER**

Mayor Watford called the regular meeting of the City Council for the City of Okeechobee to order on Tuesday, May 19, 2020, at 6:00 P.M. in the City Council Chamber, located at 55 Southeast 3rd Avenue, Room 200, Okeechobee, Florida. Pursuant to Executive Order No. 20-69 issued by Governor DeSantis on March 20, 2020, and extended by Executive Order No. 20-112, effective May 4, 2020, the meeting was conducted utilizing communications media technology (CMT) as provided by Florida Statutes 120.54(5)(b)2, by means of Zoom.com Meeting ID 2459713294. The Host computer was operated by Executive Assistant Brock. The video, audio, and digital comments are recorded and retained as a permanent record. The invocation was offered by Council Member Jarriel, followed by the Pledge of Allegiance led by Mayor Watford.

**II. ATTENDANCE**

City Clerk Lane Gamiotea called the roll. Mayor Dowling R. Watford, Jr., Council Members Wes Abney, Monica Clark, Bob Jarriel and Bobby Keefe were present in the Chamber.

CITY STAFF: City Attorney John Fumero, City Administrator Marcos MontesDeOca, Police Chief Bob Peterson, Fire Chief Herb Smith, Public Works Director David Allen, Deputy City Clerk Bobbie Jenkins, Finance Director India Riedel, and Executive Assistant Robin Brock were present in the Chamber. Members of the public and press were also present in the Chamber as well as via Zoom.

**III. AGENDA AND PUBLIC COMMENTS**

A. Mayor Watford asked whether there were any agenda items to be added, deferred, or withdrawn; New Business Item VI.E. was withdrawn.

B. Council Member Jarriel moved to adopt the agenda as amended; seconded by Council Member Clark.

**Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe voted: Aye. Nays: none. Motion Carried.**

C. There were no agenda item forms or comment cards submitted for public participation for any issues not on the agenda.

**IV. PROCLAMATIONS AND PRESENTATIONS**

A. Mayor Watford proclaimed the week of May 17 through 23, 2020 as "National Public Works Week." The document was graciously accepted by Director Allen on behalf of the Public Works Department employees, and read into the record as follows: **"Whereas, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the citizens of the City of Okeechobee; and Whereas, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of governments and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and Whereas, it is in the public interest for the citizens, civic leaders and children in the City of Okeechobee to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities; and Whereas, the year 2020 marks the 60<sup>th</sup> annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association; and Whereas, this year's theme is 'The Rhythm of Public Works' as we celebrate the hard work and dedication of the many public works professionals throughout the world. Now Therefore, I, Dowling R. Watford, by virtue of the authority vested in me as Mayor of the**

**City of Okeechobee, Florida, do hereby proclaim the week of May 17 through 23, 2020, as 'NATIONAL PUBLIC WORKS WEEK' in the City of Okeechobee, and call upon all citizens to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life."**

**V. CONSENT AGENDA**

A motion was made by Council Member Clark to approve the Consent Agenda Items **A through B** [March 11, 2020, Town Hall meeting minutes; April 2020 Warrant Register in the amounts: General Fund \$571,611.71, Public Facilities Improvement Fund \$47,698.62, Capital Improvement Projects Fund \$1,765.00, and Law Enforcement Special Fund \$150.00, the complete list is included in the minute file]; seconded by Council Member Keefe.

**Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe voted: Aye. Nays: none. Motion Carried.**

**VI. NEW BUSINESS**

- A.** Mrs. Tiffany Collins, Administrator of the Florida Department of Health (DOH) in Okeechobee County, provided an update on COVID-19. Governor DeSantis issued Executive Order 20-123 on May 18, 2020, implementing full Phase 1 status in the State, which means restaurants, barbershops, beauty salons, and retail stores can operate at 50 percent capacity, while following DOH social distancing guidelines. As of today, Okeechobee has 45 confirmed positive cases of COVID-19, out of the 1,169 individuals tested (these numbers do not include the second round of testing performed at the Okeechobee Health Care Facility or Grand Oaks Assisted Living Facility). Florida has 46,944 confirmed positive cases with 8,494 hospitalized and over 2,000 deaths, calculating an overall 4.4 percent death rate. There are over 1.5 million confirmed positive cases in the United States. The recovery data is still not being posted to the DOH Dashboard provided on their website, as the Centers for Disease Control continues to formulate a consistent way of posting for each State. The DOH expanded the testing criteria to fever, coughs, shortness of breath, chills, muscle pain, new loss of taste or smell, vomiting, diarrhea, and sore throat. Should anyone have these symptoms, contact the County Health Department to schedule a test. The testing sites in Okeechobee are the DOH, Florida Community Health Centers, Okeechobee Urgent Care, and Quest Diagnostics in coordination with Wal-Mart. Mrs. Collins elaborated, but could not verify, that the eight confirmed increase in cases in one day was from the local Department of Juvenile Justice facility. Mayor Watford thanked Mrs. Collins for the update.

The discussion then turned to the expiration of the Local State of Emergency. Governor DeSantis extended the Florida State of Emergency to July 1, 2020. Mayor Watford presented and distributed proposed Resolution No. 2020-06, which will extend the City's State of Emergency to mirror the State's expiration date upon approval.

**A motion was made by Council Member Keefe to adopt proposed Resolution No. 2020-06 extending the Local State of Emergency to July 1, 2020, unless the Mayor terminates it earlier; seconded by Council Member Clark.**

Mayor Watford read the title of proposed Resolution No. 2020-06 as follows: **"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OKEECHOBEE, FLORIDA EXTENDING THE PUBLIC HEALTH EMERGENCY DUE TO CORONAVIRUS 2019 (COVID-19) THROUGH JULY 1, 2020; PROVIDING AN EFFECTIVE DATE."**

**Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe voted: Aye. Nays: none. Motion Carried.**

- B. City Clerk Gamiotea presented two applications for consideration of appointment to the Planning Board/Board of Adjustment/Design Review Board; Mr. Michael G. O'Connor, a City resident and business owner, and Mr. Joseph Papasso, a City business owner.

**Council Member Keefe moved to appoint Mr. Papasso as an Alternate Member to the Planning Board/Board of Adjustment/Design Review Board, term being May 20, 2020 through April 30, 2023; seconded by Council Member Jarriel.**

Mayor Watford explained Mr. Papasso will be taking the place left vacant by Mr. Felix Granados who was recently moved to a regular member position, replacing Mr. Les McCreary whose term sunset on April 30, 2020; a certificate of appreciation will be presented to Mr. McCreary at a later date, not to be conducted at a Council meeting due to COVID-19 safety measures.

**Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe voted: Aye. Nays: none. Motion Carried.**

- C. An Asphalt Paving Plan, Sidewalk Plan, and Striping Work Plan were provided in Exhibit 2 for Council review. Public Works Director Allen explained that the **Asphalt Paving Plan** is based on a survey conducted in February 2020. The Plan includes a 25-page report that identifies approximately 62 miles of paved roads with an additional 2.5 miles of unpaved shell roads. It provided a four-tier ranking system for paved roads: excellent-roads that have been resurfaced within the last five years; good-roads with acceptable pavement conditions with no major cracking or other defects, and no significant vibration felt when driving; fair-roads with more severe cracking or other defects, and noticeable vibration felt when driving; poor-roads that have major issues such as spalling or pushing, or have significant damage from other causes. Using an assumed pavement life of 50 years for each road, the City would need to resurface approximately two miles of roads each year to maintain quality. The Plan will be used to assist with budgeting, and will be updated as needed to provide consistent maintenance.

The 2020 Proposed Projects with costs are as follows: South Park Street Alleys from South Parrott to Southeast 5th Avenues \$13,056.00; Northwest 9th Street from 9th Avenue West 500-feet \$9,887.00; Northwest 10th Street from 3rd to 5th Avenues \$8,961.00; Southwest 11th Avenue from 4th to 8th Streets \$28,248.00; Southwest 21st Street from 7th Avenue East 1,200-feet \$23,305.00. Small County Outreach Program (SCOP) Grant funded projects to be paved based on the grant timeline: Southeast 3rd Avenue from North Park to 4th Streets; Southeast 6th Street from South Parrot to 6th Avenues; Southwest 5th Avenue from North Park Street to South of Central Elementary. Additional roadwork in front of Gilbert Oil located at 303 Northwest 9th Street, and Diamond R Fertilizer located at 710 Northeast 5th Avenue totaling \$35,000.00. The total estimated cost for the City funded 2020 Proposed Projects is \$118,456.00 (\$120,000.00 was budgeted).

The **Sidewalk Work Plan** will assist in budgeting for future years and be updated as projects are completed to provide maintenance consistency. The Plan consists of three components. **One: Sidewalk Rehabilitation** identified 1,165-linear feet of existing sidewalks requiring replacement with some areas needing the curb and gutters replaced. Maintenance Foreman Marvin Roberts provided a detailed list of these areas and categorized them into Priority I or Priority II. The two lists included the block and street names with an estimated size. **Two: New Construction** identified two new sidewalk projects. The primary project is 1,000-linear feet on Southeast 6<sup>th</sup> Avenue connecting Centennial Park with the existing sidewalk on Southeast 4<sup>th</sup> Street, which will complete access to the new park from all blocks of the surrounding neighborhood. However, to do this the City will need to obtain easements from the 11 property owners on the East side of Southeast 6<sup>th</sup> Avenue. Should the primary project not be able to be completed, a secondary project consisting of 650-linear feet is located on the South side of Southwest 8<sup>th</sup> Avenue from 9<sup>th</sup> Avenue to West South Park Street, and will connect a proposed 190-unit multi-family apartment complex to the downtown area. Aerial maps provided the exact locations. This component further identified

four potential new sidewalks to consider in the future. **Three: Americans with Disabilities Act (ADA) South Park Street Ramp Construction** to meet current access requirements within the downtown area. Along East and West South Park Street, 30 additional ADA ramps, and reconstruction of existing ramps is required. This also correlates with adding ADA parking in the area. To accomplish this the plan is to add one ADA parking space and ramp mid-block on the North and South sides of South Park Street from Southeast 3<sup>rd</sup> to Southwest 7<sup>th</sup> Avenues. Aerial maps provided the proposed locations. Once complete, the focus will then shift to adding ramps mid-block along the Avenues South of South Park Street.

The 2020 Sidewalk Projects bid includes 10 of the 30 ramps starting in the 100 block of West South Park Street. Two of the 30 ramps are included in the Southeast 3<sup>rd</sup> Avenue SCOP project, and two of the 30 are included in the Southwest 5<sup>th</sup> Avenue SCOP project. The remaining 16 South Park Street ramps, as well as ones to be identified along the connecting avenues, will then be included over the next two to three years until the downtown area is completed. The final review is being completed on the bid packet to have the City funded portion awarded by the Council in the near future.

The **Pavement Marking/Striping Work Plan** existing of a five page memorandum provides three classifications depending on the street's level of service. Primary Streets are located within the Central Business District, other key business areas, and high use through streets. These will be painted every second year with streets located South of North Park Street/State Road 70 painted during even years, and North of North Park Street during odd years. Table I identified specific streets and each even or odd year they will be painted. Secondary Streets include business areas and streets classified in the Manual on Uniform Traffic Control Devices (MUTCD) Section 3.01.01, streets in the first block adjacent to North Park Street and Parrott Avenue, and other streets near public facilities. These will be painted on a rotating four year schedule as follows: year one Southeast; year two Southwest; year three Northwest; year four Northeast. Ancillary Streets are classified as all other public streets not included in the Primary and Secondary classifications, and will be painted every four years on the same schedule as Secondary Streets. All classification markings include centerline, stop bars, with parking spaces and cross walks where appropriate. The City follows the MUTCD guidelines of which a portion was included providing the standards with examples for striping roadways.

The Striping Work Plan 2020 and future years will be a primary activity during the months of January through April or May, once holiday decorations are taken down, as this is generally the dry weather season. Pavement marking is conducted by Public Works employees and budgeted within the Department's supplies and other services. This Plan will assist in budgeting and implemented annually by the Director.

The Council expressed their appreciation with these Plans being completed and presented. **No official action was taken on this item.**

- D. **A motion was made by Council Member Jarriel to approve the proposed [Mid-year] Amended Fiscal Year 2019-20 Budget [as provided in Exhibit 3 and provided below]; seconded by Council Member Abney.**

PROPOSED AMENDMENTS	ADOPTED 10/01/2019	MID-YEAR AMENDMENT 05/19/2020
<b>Page 1 - General Fund</b>		
Beginning Fund Balance	\$4,342,501.00	\$4,342,503.00
Total Revenues	\$7,568,165.00	\$7,568,167.00
Expenditures: Legislative	\$334,722.00	\$339,722.00
Expenditures: Executive	\$250,420.00	\$250,970.00
Expenditures: City Clerk	\$281,875.00	\$282,475.00
Expenditures: Financial Services	\$342,075.00	\$350,975.00
Expenditures: Legal Counsel	\$145,500.00	\$170,125.00
Expenditures: General Services	\$535,227.00	\$551,967.00
Expenditures: Law Enforcement	\$2,803,334.00	\$2,809,734.00
Expenditures: Fire Protection	\$1,642,577.00	\$1,710,651.00
Total General Expenditures	\$7,568,165.00	\$7,699,054.00
Fiscal Year Ending Fund Balance	\$4,342,501.00	\$4,211,616.00

Page 1 continued: The majority of the additional expenses and overtime were required to handle the State mandated quarantine and safety precautions due to the COVID-19 global pandemic. The specific explanations are provided with individual line item adjustments below.

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**Page 5 - General Fund, Legislative Operations & Supplies**

3400 Other Contract Services	\$95,500.00	\$100,500.00
Total Supplies and Other Services	\$222,190.00	\$227,190.00
Grand Total for Department	\$334,722.00	\$339,722.00

The Charter Review process for Attorney \$5,000.00 more than budgeted.

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**Page 7 - General Fund, Executive Supplies & Other Services**

4609 Repairs and Maintenance Equipment	\$1,600.00	\$2,150.00
Total Supplies and Other Services	\$36,990.00	\$37,540.00
Grand Total for Department	\$250,420.00	\$250,970.00

Purchase of monitors to conduct CMT meetings; COVID-19 expense.

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**Page 9 - General Fund, Clerk Supplies & Other Services**

4609 Repairs and Maintenance Equipment	\$10,115.00	\$10,715.00
Total Supplies and Other Services	\$82,200.00	\$82,800.00
Grand Total for Department	\$281,875.00	\$282,475.00

Purchase video equipment for CMT meetings; COVID-19 expense.

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**Page 10 - General Fund, Legal Services Supplies & Other Services**

2300 Health Insurance	\$10,850.00	\$2,675.00
3100 Professional Services	\$80,000.00	\$112,800.00
Total Supplies and Other Services	\$145,500.00	\$170,125.00
Grand Total for Department	\$145,500.00	\$170,125.00

The net increase in expenditures of \$24,625.00 is detailed as follows: \$32,800.00 increase in Professional Services due to the approved Amended Legal Services Contract, and a \$8,175.00 decrease in health insurance costs as the current Legal Services Contract does not provide for health insurance.

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**Page 12 - General Fund, Finance Supplies & Other Services**

3400 Other Contractual Services	\$40,500.00	\$49,400.00
Total Supplies and Other Services	\$132,065.00	\$140,965.00
Grand Total for Department	\$342,075.00	\$350,975.00

Contractual Services increased to reflect \$2,400.00 for a digital data breach incident and \$6,500.00 for public relations/media website service (adding Twitter account and YouTube channel for broadcasting CMT meetings); partial COVID-19 expense.

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**Page 14 - General Fund, General Services Supplies & Other Services**

3400 Other Contractual Services	\$90,260.00	\$104,260.00
4609 Repairs and Maintenance Building Equipment	\$29,773.00	\$32,513.00
Total Supplies and Other Services	\$364,877.00	\$381,617.00
Grand Total for Department	\$535,227.00	\$551,967.00

\$14,000.00 increase for the County Animal Control Contract, \$670.00 laptop purchase for CMT meetings and possible home-based work due to COVID-19, and \$2,070.00 unexpected handicap lift repairs.

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**Page 16 - General Fund, Police Supplies & Other Services**

4609 Repairs and Maintenance Equipment	\$27,550.00	\$33,950.00
Total Supplies and Other Services	\$433,364.00	\$439,764.00
Grand Total for Department	\$2,803,334.00	\$2,809,734.00

\$6,400.00 unanticipated repairs to the Dispatch Station at the County Emergency Operations Center.

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**Page 17 - General Fund, Fire Personnel Cost**

1400 Overtime	\$51,600.00	\$59,100.00
2100 FICA	\$70,850.00	\$71,424.00
Total Personnel Costs	\$1,420,350.00	\$1,428,424.00

The Personnel Costs increased due to vacancies within the Department due to multiple resignations. Restrictions due to the quarantine delayed filling the positions; partial COVID-19 expense.

PROPOSED AMENDMENTS	ADOPTED 10/01/2019	MID-YEAR AMENDMENT 05/19/2020
<b>Page 18 - General Fund, Fire Supplies &amp; Other Services</b>		
4901 Education	\$11,000.00	\$71,000.00
Total Supplies and Other Services	\$222,227.00	\$282,227.00
Grand Total for Department	\$1,642,577.00	\$1,710,651.00

\$60,000.00 increase for Paramedic Certification approved by the Council related to the possibility of the City contracting fire services with the County.

<b>Pages 21 and 22 - Public Facilities Improvement Fund</b>		
301-549-6301 SCOP Improvements	\$532,488.00	\$554,955.00
Total Expenditures	\$1,047,988.00	\$1,070,455.00
Ending Fund Balance	\$885,631.00	\$863,164.00

Increase in the estimated cost of the Project.

<b>Pages 23 and 24 - Capital Improvement Projects Fund</b>		
304-511-6400 Administration Capital	\$6,000.00	\$8,000.00
304-519-6400 General Services Capital	\$57,400.00	\$58,750.00
304-521-6400 Law Enforcement Capital	\$341,540.00	\$169,540.00
304-549-6401 Parks Capital Improvement	\$87,000.00	\$168,000.00
Total Expenditures	\$790,940.00	\$703,290.00
Ending Fund Balance	\$2,249,349.00	\$2,336,999.00

Administration Capital increased by \$2,000.00 to purchase an additional laptop with software, and additional security software. General Services Capital increased by \$1,350.00 for Security 101 Change Order, new electronic doors at City Hall and computer equipment. Law Enforcement Capital decreased by \$172,000.00 change in vehicles and equipment purchases. Parks Capital increased by \$81,000.00 due to the additional costs of the Centennial Park Pavilion and Restroom Project.

<b>Page 25 - Other Grants Fund</b>		
Beginning Fund Balance	\$37,490.00	\$260,000.00
302-331-3904 Stormwater Drainage Grant	\$0.00	\$300,000.00
Total Revenues	\$0.00	\$300,000.00
302-2752-3100 Professional Services	\$0.00	\$35,000.00
302-2752-3200 Administrative Services	\$0.00	\$13,500.00
302-2752-4909 Miscellaneous	\$0.00	\$1,500.00
302-2752-6400 Park and Canal Improvements	\$0.00	\$370,000.00
Total Expenses	\$0.00	\$420,000.00
Ending Fund Balance	\$37,490.00	\$140,000.00

Changes to this Fund pertains to the award of the Florida Department of Environmental Protection Grant No. LPQ0007 Taylor Creek Southwest 4<sup>th</sup> Street Stormwater.

<b>Page 26 - Appropriations Grant Fund</b>		
Beginning Fund Balance	\$0.00	\$593.00
Ending Fund Balance	\$0.00	\$593.00

Line Items not listed on the pages above, as well as all of pages 2 to 4, 6, 8, 11, 13, 15, 19, 20, and 27 do not include changes, as the proposed mid-year amendment mirrors the October 1, 2019 adopted amounts.

**Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe voted: Aye. Nays: none. Motion Carried.**

- E. The consideration for a letter of support for the Cattlemen's Association to increase negotiated cattle purchases item was withdrawn from the agenda.
- F. Exhibit 5 provided a proposed 10-page Fire Services Interlocal Agreement (ILA), two-page cost projection, and a two-page County document titled Completed Action Item (ID# 5841) giving background and other pertinent information on the subject from the Board of County Commissioners (BOCC). The purpose of the ILA is for the City to contract all fire and preventive services to the BOCC, removing the need for a City Fire Department.

Also included in the Exhibit was a three-page memorandum from Administrator MontesDeOca highlighting his review of the ILA from a managerial standpoint for points of discussion and recommended changes by the Council.

Prior to the meeting, City Clerk Gamiotea received and distributed an email from Economic Council of Okeechobee (ECOK) Executive Director Mrs. Jennifer Tewksbury, which was read by Mayor Watford as follows: "The ECOK continues to support the merger of our local Fire Departments to reduce redundant local spending without compromising our public safety. Attached you'll find additional documents from the ECOK relative to your discussion on the ILA with Okeechobee County for fire rescue services. Also included is a revised Agreement as proposed by the ECOK Board of Directors. In summary, the proposed revisions provide for the following: maintaining the contract execution date as January 1, 2021 while extending the term to five years; the County to purchase all necessary City fire equipment for use, eliminating the lease alternative and obligation to repair and maintain equipment; removal of the obligation to fund 10 percent of the construction costs of a new fire station; total cost to not exceed that which would be generated by the existing County Fire/EMS fee structure if applied to City properties. Please keep in mind, moving forward with an Agreement of this nature will eliminate \$6.7 million in redundant spending in the City over the course of the next decade. The ECOK appreciates the City Council's continued efforts to seek the most effective ways to keep the public safe with our limited tax dollars. We also thank you for consistently keeping the public informed of this discussion. Please do not hesitate to contact me if you have any questions on the statement provided."

During review and lengthy discussion the Council made the following changes (unless noted otherwise, the change was presented as a recommendation from Administrator MontesDeOca):

Page 1, add a paragraph in the preamble such as: in spirit of the proposed ILA, the County shall, under penalties of default, provide the same high level of professional fire services to the City, and those services shall be interpreted to be: maintaining the same level of fire protection, Insurance Services Office (ISO) rating, area of and type of coverages, and response times; with modifications so not to imply Okeechobee County Fire Rescue (OCFR) does not do as good a job as Okeechobee Fire Department (OFD).

Page 2, Section 2 Services, B. Additional Services. Subsection i, add: County shall conduct any and all inspections within seven calendar days of date of request of inspection. The exact number may be modified, OFD uses seven as an average with 10 days being the maximum. Subsection ii, modify to read: County shall coordinate with Okeechobee Utility Authority (OUA) and shall ensure water purveyors provide adequate fire flows and hydrants, as required, for fire protection and training purposes within the City. Subsection iii, delete: City references, County shall work with OUA alone. Subsection iv, add: County shall provide a fee schedule for costs for the various services provided, 30-days at a minimum of adoption of this Agreement for review and acceptance. These fees and charges should be reimbursed to the City or applied a credit to base services.

Page 2, Section 3 Effective Date and Term. Modify date to April 1, 2021 or date to be agreed upon by both parties prior to contract execution. Change the end date to January 1, 2026, making this a five-year Agreement as recommended by the ECOK.

Page 2, Section 4 City's Base Payments for Services and Adjustments, paragraph A, correlate commencement date to be as now amended in Section 3. As recommended by the ECOK, amend the three annual payments Year 1 (January 1, 2021 through December 31, 2021) \$697,599.74; Year 2 (January 1, 2022 through December 31, 2022) \$708,039.73; Year 3 (January 1, 2023 through December 31, 2023) \$683,261.82 by adding "an amount not to exceed the assessed value of City properties as generated by the County's existing fire rescue fee structure" to each year. Projections for years four and five will also need to be added.

Pages 3 and 4, Section 4 City's Base Payments for Services and Adjustments, paragraphs B through F are to be removed as recommended by the ECOK.

Page 4, Section 5 Personnel. Council wants this section reworded to provide all City personnel be employed at the same rate of pay, or as close as possible, and retain longevity years of service. Administrator MontesDeOca and Attorney Fumero are to continue working with Tori Fatjo, International Association of Firefighters (IAFF) District 12 Field Service Representative, to assist in this matter.

Page 4, Section 6 Vehicles. Reword for the City to donate one ladder truck, one fire engine, together with all firefighting equipment and apparatus used in connection with the vehicles. Delete subsections i through vi as recommended by the ECOK.

Page 5, Section 7 Equipment and supplies. As recommended by the ECOK, amend to include radio equipment in paragraph A, delete paragraph B.

Page 5, Section 8 Replacement of Vehicles and Equipment. Deleted as recommended by the ECOK.

Page 6, Section 9 City payments toward Building Construction Costs; Interim Use of City's Apparatus Storage Bays. Paragraph A to be deleted as recommended by the ECOK. Paragraph B is to be modified to provide County the usage of existing building bays for a term no more than one year with payments of usage to cover utility, insurance, and other applicable costs associated with the bay areas to be determined. Calls for services cannot be run from the City's building.

Page 7, Section 16 Default. Paragraph A to include language should the County not be able to provide the same level of fire protection and coverage, and responses to calls for fire under 4.2 minutes as an annual average and a maximum of 6 minutes during incorporated County fire calls, reported to City quarterly. Address for default to include if the County is unable to provide adequate level of inspection and review services, meeting the timelines of the City for reviews. Attorney Fumero will provide additional recommendations on modifying this language and proper placement within the ILA.

Mayor Watford provided instructions on how to proceed with public comments, in that they are to be addressed to the Council. No one should cheer, clap, boo, or be disruptive while others are speaking. Comments are to remain civil, as the Mayor reserves the right to ask individuals to leave or stop the comments should they be out of line.

Council Member Clark read the following email from Ms. Hilda Navarrete into the record as follows: "I have property in both the City and County. I am very upset you guys are even considering giving up the Fire Department to the County. Especially during this time, when you guys should be hiring more first responders, not getting rid of them. Leaving all this people unemployed as well. Especially some that have served the City for over 10 years. Why can't this be put in the ballot for all residents to vote? In the County I pay a fire assessment which is not included in the City. I believe most citizens would pay this so we can continue to have a fast response. I cannot believe this subject has gotten this far because of Councilmen Jarriel and Keefe. Please be the voice of us in the City, that is a luxury of being in the City, extra police and firefighters and a faster response. In that case I would be living in the outskirts of the County." The following is the response Council Member Clark provided to Ms. Navarrete: "Ms. Navarrete, Thank you for contacting me about the Fire Department. Unfortunately the City cannot balance their budget without going into savings every year. It is my job to be fiscally responsible to all the taxpayers of the City and to look at all possibilities of saving that \$1.2 million deficit or the City will go bankrupt. The Fire Department was the first place we started to explore and have not come close to making a decision since we have not received a proposal from the County. We also ask this to be on the ballot but the County refused and in this situation we have to have the City and the County agree. The fire assessment is a little more complicated, the County has many more residents than businesses to spread the money and is very affordable. In the City we have a small residential population and so the businesspeople bear the burden of tax dollars and possible assessments. In the City fire study done about four years ago the average

resident would pay approximate \$440.00 as a fire assessment and a church such as First Baptist would pay about \$30,000.00 because it is based on square footage. Due to the disparity of the assessment from the County versus the City these churches would much rather pay the County assessment which in First Baptist Church's case would be \$10,000.00. The reason we are looking at the Fire Department is that there are many more residents and businesses that have pressed us into merging the two fire departments than against so that we could lower the City taxes, which are some of the highest in the state. All I can promise is that we will be very diligent in looking into all possibilities (such as ambulance services), take care of the men and women that have served us at the City while taking all the taxpayers into consideration. Thank You, Monica Clark, Council Member."

OFD Captain Lalo Rodriguez questioned whether the Council would be considering the options he presented at the January 21, 2020 meeting. With no immediate response from the Council, Mayor Watford offered since the Council has only requested to discuss the ILA he was of the impression that they did not wish to consider other options. Should this not be adopted, the Council may then explore the options. Council Member Keefe agreed with the Mayor's statement, and explained his position. He was concerned with the additional capital expenditures needed to implement for the OFD to take over the Emergency Medical Services in the City. It is his opinion that there could be more long-term costs associated that have yet to be discussed.

Mr. Frank Wesley Williamson III, Chair-Elect of the ECOK, urged the Council to focus on the projected \$600,000.00 annual savings the City would realize by contracting the services. The effect on the economy from the COVID-19 pandemic is unknown. He added the ECOK feels very strongly that the annual fee the County has presented is accurate.

Mr. Josh Borgstrom, IAFF Local 2918 President, provided his opposition to approving the ILA mostly due to the fact that all OFD employees will lose their jobs. As proposed, this is not a merger, but a shutdown of the OFD. County Fire Chief Franklin is steadfast that all OFD employees will be required to follow the same process as a new employee, making it clear there is no guarantee any would be hired in addition to there not being sufficient positions for all of them. Mr. Borgstrom strongly advocated for the hiring of all OFD employees by the County at their current rate of pay and longevity. When it was pointed out that the reason the BOCC did not include this within the proposed ILA was it is prohibited in the current Fire Union Contract, he offered that the Union would not be opposed to amending the Collective Bargaining Agreement with the County to ensure OFD employees do not lose their jobs.

Mr. Matthew Buxton, owner of Buxton Funeral Home, urged the Council to consider the large number of unknowns in the proposed ILA, as he is not convinced his taxes will be reduced. His business is a large supporter of community events, and is currently able to keep his costs low, but is unsure of how this proposal will affect the cost of doing business in five years. He is an advocate of all OFD employees being hired at the County. He then spoke briefly about the comment of "being fiscal responsible," as it is the Council's responsibility to look at all proposals to save money, including Captain Rodriguez's. Should the Council not be willing to explore all options, it is his opinion a decision has already been made. He closed by questioning what his taxes and insurance premiums would be should the ILA be approved.

Ms. Karyne Brass expressed disappointment in the decision the Council has made to potentially eliminate a very important essential service that has been part of the City since incorporation. The OFD has taken good care of the citizens; their response time is unbelievable. She asked what the County Fire Assessment rate was and how much of a reduction in taxes she would receive should the OFD be eliminated. She explained her disbelief that approving this would result in a substantial savings for the City. Although the County may assure an amount, the difference in services is of great concern as five years is a long time to suffer when it comes to something as important as essential services. She continued by stating that she fails to see how the \$600,000.00 savings the ECOK has

presented is a valid number, and that all City Departments should be looked at, or take it further and consolidate all services with the County. In her opinion it is the responsibility of the Council to explore any viable work plan that has been presented by the OFD. The City has the potential to retain these services and make OFD more efficient, as they are already making strides to bring fiscal viability. The City can work towards solvency without doing anything brash. Council Member Jarriel thanked Ms. Brass for her comments and added the Council has requested the figures to be able to make an intelligent decision on this.

**MAYOR WATFORD RECESSED THE MEETING AT 8:29 P.M. AND RECONVENED AT 8:38 P.M.**

Clerk Gamiotea received two comments by email prior to the meeting and one during the meeting by an individual attending via Zoom, which were read into the record by Mayor Watford.

Ms. Tammy R. Barbour: "I have done a little research on several issues with the closure of the OFD. I have read over the proposed contract agreed on by the BOCC that has been forwarded back to the City Council for agreement. I do have several questions regarding this closure. Is not the purpose of the City Council to look after the best interests of the City of Okeechobee residents? Yet, the residents will not have any say so regarding this decision of closing their Fire Department? Does putting 13 people out of work even cause you to toss and turn at night? This is 13 families that will no longer have this income, 13 families that are going to become the statistic of unemployment. Granted, according to this proposal contract, OCFR will hire six new employees, which none of those new positions are guaranteed to any of the 12 firefighters losing their jobs. Sure, they can go elsewhere, which has been said a time or two, where exactly? Fire Departments look for recruits fresh out of school that will eventually retire from their station, it's not likely they hire firefighters that are over a certain age. Yes, some of these firefighters have 15 to 20 years on the job, some even more, however, that also means they are at least 35 to 45 years old (if they started this career at 18). How is that looking out for the best interests of your City employees? The OFD has not went over budget in five years, why are they the first to cut because the City of Okeechobee has budget issues? How is it that the current City Attorney came in at a higher bid, but got the job anyway, if the City of Okeechobee is so over budget? Which we cannot say 'because they are already familiar with everything' because so is the OFD. Why is the City Fire Captain's proposal not even being seriously considered instead of being tossed away like an obstruction to some backroom plan to shut down the OFD? Which leads to this; the Florida State Statute 112.313 Section 7A, states: 'Conflicting Employment or Contractual Relationship, (a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.' Therefore, I am curious as to how several of the City Council Board Members, do in fact have personal relationships with businesses in Okeechobee and yet sit on the City Council able to vote on such decisions effecting the City of Okeechobee? In closing, I am asking this question for nearly 500 Okeechobee residents (at the time of writing this email), that have signed a petition that was posted on one Facebook page, and shared over a hundred times, have absolutely no say in this decision? Is this not their Fire Department? Are those not their firefighters? Doesn't the fire trucks and equipment being used belong to them? After all, it is the 'taxpayers' money that buys such things, is it not? I currently do not reside in Okeechobee anymore, but I have many family members that do. I personally know people that are employed by OCFR as well as OFD, I understand how both Departments operate, I also personally know people that have been employed

by both Departments. When I was made aware that the City of Okeechobee's City Council Board intends to close the OFD, I became very concerned for my children, my grandchildren, many aunts, uncles, nieces and nephews, and their safety. I am also concerned with response times being longer if my family needs assistance. I am concerned for taxes they will now have to absorb because of this closure, and I am concerned for the City of Okeechobee's history being erased as if it never happened. Things such as the OFD, the City Park, the buildings on Park Street, the Livestock Market, these things all make Okeechobee what it is, why is it so important to become 'modern' anyway? Why put 13 people in an unemployment line just stop 'kicking a can' or 'keep up with times'? Ask your residents. This issue, at the very least should be implemented on a ballot for the citizens of Okeechobee to decide, not left up to five people on a board, that claim to have the best interests of these citizens as their main priority. It doesn't seem as if the citizens interests are not even being considered at all." Attorney Fumero noted in regard to the ethics law, friendships are not against the law. The scenario provided is not a conflict. Council Member Keefe responded to the online petition and various social media comments disagreeing that the public has been shut down during meetings and clarifying that the Council can only meet under Sunshine requirements. All agendas are posted on the City's website to provide the public with sufficient time to know and review what is being considered. Additionally, public records requests can be made for copies of the minutes to see what was previously discussed.

Ms. Alyssa Weeks: "In reference to the possibility of the OFD closing. I am a City resident and have three small children, one whom is asthmatic. My main concern of course would be the amount of time it will take for the OCFR to reach my home verses the amount of time it will take the OFD to reach my home, if needed in an emergency situation. The OCFR is always so busy handling accidents, medical situations, and all other emergency calls, that it seems they are always stretched thin. Okeechobee County is a very large area to have to provide emergency services for. Which is why I feel that I, personally can only benefit from the OFD remaining open and servicing the city limits within Okeechobee County."

Ms. Melissa King: "Good evening Councilmen, I see the Section 16 listing the default criteria, and after hearing the discussion to City Council's desired changes to the contract presented by the County with regards to transferring those certain vehicles to the County, what contingencies are in place to obtain those vehicles back in case of default by the County? And what consideration has been given to the re-start up cost of purchasing vehicles or other equipment at the end of the five year contract if the City wants to have their own Department back? Thank you." The Council responded; should the County default and the vehicles are leased, the lease is void and the vehicles are returned to the City. Should the vehicles be sold or donated, the City would have to purchase new vehicles.

Ms. Tori Fatjo, IAFF District 12 Field Service Representative, addressed the Council via Zoom. She provided a brief background on herself, which showed her experience in dealing with municipal and county fire department mergers. Although she commended the Council for taking the time to thoroughly review the proposal. The purpose of her comment was to offer assistance with the negotiation process to ensure City Fire Union Members are being represented. She and Mr. Borgstrom met with Administrator MontesDeOca two weeks ago on this. She explained in detail that municipalities in Broward County have similar contracts/ILA's emphasizing that in all of the scenarios, the municipal employees were merged into the County Departments without losing seniority, rank, or pay, and also noted the municipalities realized a small savings but nothing substantial. She wanted to ensure the Council that their goal of all employees being hired with the County can be achieved.

The discussion then turned to clarify the citizens' request to vote on this issue. The City Council can provide for a straw-poll referendum to be on the ballot for City voters to cast their decision. However, the decision is not legally binding and used in rare circumstances. This is different than a decision to be made by a referendum regarding the Fire Assessment, which requires the City to agree to relinquish taxing authority to the County and the County would have to accept the taxing authority, both agencies would generate a referendum with the results

determining the outcome. Attorney Fumero confirmed that the City has not officially asked the BOCC in writing about a referendum.

**The Attorney and Administrator were instructed to provide a revised ILA reflecting the changes discussed and present it for the Council to vote on a counter proposal.**

- G. Administrator MontesDeOca’s employment services contract provides for an annual evaluation of his performance by the Mayor and Council. The individual scores were read into the record as follows: Mayor Watford 4.6; Council Member Abney 2.8; Council Member Clark 3.9; Council Member Jarriel 4.6; and Council Member Keefe 3.8. The total was 19.7, divided by 5 evaluations provided a final score rating of **3.9 Satisfactory** out of 5.0. As the evaluation was discussed by and between Council Members, Council Member Abney realized that he had made a scoring error. Immediately following the Council meeting, he fixed the error and submitted a corrected, executed evaluation form for the record. The ultimate outcome of the Administrator’s evaluation was not materially changed by Council Member Abney’s corrected evaluation form.

Mayor Watford reminded the Council that meetings can still be scheduled to review their individual evaluation with the Administrator. The evaluations are filed in Mr. MontesDeOca’s personnel file; a copy of each are also made part of the official minute file.

**VII. COUNCIL COMMENTS**

Council Member Jarriel’s comment was related specifically to New Business Item F, whose discussion had concluded.

- VIII. There being no further items on the agenda, Mayor Watford adjourned the meeting at 9:12 P.M. The next regular meeting is scheduled for June 2, 2020, at 6:00 P.M.

Dowling R. Watford, Jr., Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

Please take notice and be advised that when a person decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. City Clerk media are for the sole purpose of backup for official records of the Clerk.



**CITY OF OKEECHOBEE, FLORIDA  
JUNE 2, 2020, REGULAR CITY COUNCIL MEETING  
DRAFT SUMMARY OF COUNCIL ACTION**

**I. CALL TO ORDER**

Mayor Watford called the regular meeting of the City Council for the City of Okeechobee to order on Tuesday, June 2, 2020, at 6:00 P.M. in the Council Chamber, located at 55 Southeast 3rd Avenue, Room 200, Okeechobee, Florida. Pursuant to Executive Order No. 20-69 issued by Governor DeSantis on March 20, 2020, and extended by Executive Order No. 20-112 effective May 4, 2020, the meeting was conducted utilizing communications media technology (CMT) as provided by Florida Statutes 120.54(5)(b)2, by means of Zoom.com Meeting ID 2459713294. The Host computer was operated by Executive Assistant Brock. The video, audio, and digital comments were recorded and retained as a permanent record. The invocation was offered by Mayor Watford, followed by the Pledge of Allegiance.

**II. ATTENDANCE**

City Clerk Lane Gamiotea called the roll. Mayor Dowling R. Watford, Jr., Council Members Wes Abney, Monica Clark, Bob Jarriel and Bobby Keefe were present in the Chamber.

CITY STAFF: City Attorney John Fumero, City Administrator Marcos MontesDeOca, Police Chief Bob Peterson, Fire Chief Herb Smith, Public Works Director David Allen, Deputy City Clerk Bobbie Jenkins, Finance Director India Riedel, and Executive Assistant Robin Brock were also present in the Chamber.

**III. AGENDA AND PUBLIC COMMENTS**

A. Mayor Watford advised that New Business Item VI.I., Exhibit 8 was added to the agenda; the Exhibit was distributed via email earlier in the day. New Business Item VI.E. was withdrawn.

B. **Council Member Jarriel moved to adopt the agenda as amended; seconded by Council Member Abney.**

**VOTE: Ayes-Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe. Nays-none. Motion Carried.**

C. Clerk Gamiotea advised there were no agenda item forms or comment cards submitted for public participation for any issues not on the agenda.

**IV. PROCLAMATIONS AND PRESENTATIONS**

A. On behalf of the City, Mayor Watford and Police Chief Peterson presented Ms. Terisa Garcia with a Longevity Service Award of \$1,000.00 and a framed certificate which read **"In recognition of your 35-years of service, hard work, and dedication to the City, its citizens, and your fellow employees from June 7, 1985 through June 7, 2020."** Ms. Garcia is one of very few employees to have achieved this milestone with the City. She expressed her gratitude along with fond memories made over the years.

**V. CONSENT AGENDA**

**A motion was made by Council Member Keefe to approve the Consent Agenda Item A [May 5, 2020, Regular meeting minutes]; seconded by Council Member Clark.**

**VOTE: Ayes-Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe. Nays-none. Motion Carried.**

**VI. NEW BUSINESS**

A. An update was provided on COVID-19 by Mrs. Tiffany Collins, Administrator of the Okeechobee County Florida Department of Health (DOH). Governor DeSantis issued Executive Order No. 20-131 extending the State to full Phase 1. The Centers for Disease Control (CDC) and DOH continue to encourage social distancing, large social gathering limitations, and hand washing.

Anyone with the symptoms (fever, coughs, shortness of breath, chills, muscle pain, new loss of taste or smell, vomiting, diarrhea, and sore throat) should be tested. As of June 2, 2020, Okeechobee County has 85 confirmed cases of COVID-19 ranging in age from 6 to 87 years old, has tested 1,793 individuals resulting in a 4.7 percent positivity rate, and has no deaths. Included in the total number of tests, were two rounds of testing at the Okeechobee Health Care Facility, and one round at Grand Oaks. Council Member Abney clarified the actual number of individuals tested in Okeechobee was approximately 900, since approximately 400 individuals were tested twice at the Okeechobee Health Care Facility. The State of Florida has over 57,000 confirmed positive cases with over 10,000 hospitalized and over 2,500 deaths, calculating an overall death rate of 4.4 percent.

She also provided the CDC example of how COVID-19 differs from the flu. The preliminary estimated number of individuals testing positive for the 2019-20 flu season, in seven months, is approximately 39 to 56 million people with an estimated 24,000 to 62,000 people perishing. Those numbers resulted in a .001 percent death rate. COVID-19's world-wide death rate is approximately 5.8 percent in a period of three months. There have been 62 COVID-19 antibody tests performed in Okeechobee County, resulting in two positives. Should an individual want to be tested for antibodies, it is recommended to wait a period of one to three weeks after exposure. There is no contact tracing or recommendations for individuals who test positive for antibodies. In response to Mayor Watford's request to explain the possibility of a second outbreak of COVID-19, she advised initially it was stressed quarantining provided the ability to "flatten the curve" which would reduce the number of additional daily cases. As the State, Nation, and other countries continue to re-open, individuals go back to work and begin traveling. They will be exposing themselves to others and increasing the chance of contracting the virus. The CDC has not been able to conclude whether one can contract the virus a second time. The Mayor thanked Mrs. Collins for the update. **No official action was required for this item.**

- B.** Via Zoom, Ms. Jennifer Codo-Salisbury with the Central Florida Regional Planning Council provided a brief update regarding the two grants awarded from the Florida Department of Economic Opportunity for Fiscal Year (FY) 2019-2020. One is the Competitive Florida Partnership Grant to prepare an Economic Development Strategy and Disaster Resiliency Plan; the other is a Community Planning Technical Assistance Grant to draft amendments to the City's Comprehensive Plan and Land Development Regulations to implement the Economic Development Strategy and Disaster Resiliency Plan.

A virtual community workshop will be held on Thursday, June 4, 2020, from 3:00 to 5:00 P.M. to review the draft City of Okeechobee Economic Development Strategy and Disaster Resiliency Plan. Members of the community are asked to participate via <https://www.gotomeet.me/cfrpc/okeechobee-virtual-community-workshop> or by phone at 866-453-0405 using participant passcode 4275032. The draft Plan, including updates to the City's Comprehensive Plan and Land Development Regulations, will be presented at the June 16, 2020, Council meeting. **No official action was required for this item.**

- C.** Ms. Debbie A. Goode, Senior Auditor and Partner of Carr, Riggs & Ingram, LLC, reviewed the highlights of the FY October 1, 2018 through September 30, 2019, Audited Financial Statements [as provided in Exhibit 2] completed by her Firm under the Government Auditing Standards and Chapter 10.550, Rules of the Florida Auditor General. The Report reflects a clean Audit. The overall financial soundness of the City reflects total assets exceeding liabilities by \$20,400,951.00. The total revenues were \$7,166,137.00, less total expenses of \$6,942,746.00, which resulted in a \$223,391.00 increase in total net position.

The total net position is based on a \$685,155.00 increase in total assets (a \$444,633.00 increase in current assets, a \$538,219.00 increase in non-current assets, and offset by a decrease of \$297,697.00 in capital assets); and a \$4,847.00 decrease in total liabilities (a \$17,622.00 liability decrease related to timing of payables, and an increase to non-current liabilities from a \$4,849.00 increase in Other Post-Employment Benefits, and an increase in compensated absences of \$7,926.00, totaling \$12,775.00).

An overview of combining all Funds provided a Total Balance of \$11,495,123.00, which is \$458,977.00 more than the prior FY. This Total Balance provides \$8,433,872.00 for unassigned spending at the City’s discretion; \$1,914,755.00 restricted for one subsequent year’s expenditures, \$1,103,396.00 restricted for Public Facilities Improvement expenditures only, \$8,145.00 restricted for Law Enforcement expenditures only, and \$34,955.00 is non-spendable inventory.

Page 61 provided the Budget to Actual for General Fund which shows that of the \$1,761,596.00 amount projected to be required from reserves to cover expenditures was not used, but rather there was a revenue balance of \$422,972.00:

TOTALS	10/1/2018 BUDGET	AMENDED BUDGET	9/30/2019 ACTUAL	9/30/2019 DIFFERENCE
Beginning Fund Balances:	\$10,953,058.00	\$10,953,058.00	\$10,953,058.00	\$422,972.00
Revenues:	\$6,531,481.00	\$6,890,510.00	\$7,121,328.00	\$230,818.00
Sale of Capital Assets:	\$225,000.00	\$225,000.00	\$244,228.00	\$19,228.00
General Government Expenditures:	\$1,531,800.00	\$1,353,313.00	\$1,319,724.00	\$33,589.00
Public Safety Expenditures:	\$4,184,524.00	\$3,952,040.00	\$3,888,350.00	\$63,690.00
Transportation Expenditures:	\$1,480,107.00	\$1,150,350.00	\$1,113,299.00	\$37,051.00
Physical Environment Expenditures:	\$503,800.00	\$293,000.00	\$272,850.00	\$20,150.00
Capital Outlay Expenditures:	\$592,846.00	\$529,600.00	\$511,154.00	\$18,446.00
Current to Prior Year Encumbrances:	0.00	0.00	-\$11,391.00	0.00
Ending Fund Balances:	\$9,416,462.00	\$10,790,265.00	\$11,224,628.00	\$422,972.00

The increase in Net Pension Assets was a result of deferred outflows decreasing by \$795,682.00 and inflows decreasing by \$329,071.00. The Pension Funds were determined by the Actuary to be 106.68 percent funded for the Police Officers’ Fund, 107.369 percent funded for the Firefighters’ Fund, and 114.72 percent funded for the General Employees’ Fund.

Mayor Watford thanked Ms. Goode for her presentation and then commended Finance Director Riedel, her staff, and the Department Heads for their hard work to ensure proper management of the City’s accounts and procurement operations. He then opened the floor for public and Council comments; there was none. **No official action was taken for this item.**

- D. **A motion was made by Council Member Keefe to read proposed Ordinance No. 1211 by title only, amending the Sunday sale time and to allow for package sales of alcoholic beverages [as provided in Exhibit 3]; seconded by Council Member Jarriel.**

**VOTE: Ayes-Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe. Nays-none. Motion Carried.**

Attorney Fumero read proposed Ordinance No. 1211 by title only as follows: **“AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING SECTION 6-1 OF CHAPTER 6 OF THE CODE OF ORDINANCES TO PROVIDE FOR THE SALE OF ALCOHOL INCLUDING PACKAGE SALES WITHIN THE CITY AT CERTAIN TIMES EVERY DAY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.”**

**A motion was then made by Council Member Clark to approve the first reading and set July 7, 2020, as a Final Public Hearing date for proposed Ordinance No. 1211; seconded by Council Member Keefe.**

In a memorandum submitted by Attorney Fumero, it was explained that the City historically prohibited retail package sales of alcohol on Sundays and recently amended Chapter 6, Section 6-1 to allow alcohol sales except package sales beginning at 10:00 A.M. on Sunday. As previously discussed by the Council, proposed Ordinance No. 1211 goes a step further to allow for the sale of alcoholic beverages from 7:00 A.M. to 2:00 A.M. daily. Mayor Watford asked whether there were any comments from the public or Council; there was none.

**VOTE: Ayes-Council Members Abney, Clark, Jarriel, and Keefe. Nays-Mayor Watford. Motion Carried.**

- E. The consideration for a letter of support for the United States Cattlemen's Association to increase negotiated cattle purchases was withdrawn from the agenda.
- F. **A motion was made by Council Member Jarriel to review and approve the 2020-21 School Resource Officer Agreement for Okeechobee Christian Academy (OCA) [as provided in Exhibit 5, and correcting the date in Section B of Article III to reflect the commencement date of July 1, 2020]; seconded by Council Member Clark.**

Administrator MontesDeOca briefly explained OCA has requested Section C be added to Article III of the proposed Agreement, which allows for a reduction not to exceed \$20,000.00 on an annual basis should a local or state mandated school closure exist for a period of 30 consecutive days or more.

**VOTE: Ayes-Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe. Nays-none. Motion Carried.**

- G. **A motion was made by Council Member Clark to approve a Purchase Agreement with the Florida Department of Transportation (FDOT) for the acquisition of 6,089-square feet, Parcel 125 from the City in the amount of \$12,200.00 [as provided in Exhibit 6, being a portion of the right-of-way located in PLAT 2 OF TAYLOR CREEK WATER SHED, Plat Book 3, Page 26, Okeechobee County public records, and is in relation to the State Road 710 By-pass Project]; seconded by Council Member Keefe.**

Administrator MontesDeOca explained at the May 5, 2020, meeting the Council approved the Statement of Offer from FDOT. This parcel is situated along the East side of Taylor Creek, West of the Okeechobee Utility Authority Ground Water Treatment Plant property, and immediately South of the North City Limits boundary. Mayor Watford opened the floor for public and/or Council comments; there were none.

**VOTE: Ayes-Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe. Nays-none. Motion Carried.**

- H. The matter provided on the agenda was to discuss the Fire Services Interlocal Agreement (ILA), with Exhibit 7 providing the proposed changes as discussed at the May 19, 2020, Council meeting. However, based on discussion at a Okeechobee Board of County Commission (BOCC) meeting held May 28, 2020, the content in Exhibit 7 was not considered for approval.

Mayor Watford read the following letter from Mr. Josh Borgstrom: "On behalf of the executive board and members of International Association of Fire Fighters (IAFF) Local 2918 Professional Firefighters and Paramedics of Okeechobee, I write to advise you and the City Council Members of our opposition to the proposed ILA between Okeechobee County and the City of Okeechobee for fire services. As you are aware, the agreement as drafted would cease the employment of all firefighters who have honorably served the City of Okeechobee. IAFF Local 2918 asks the City Council to cease and desist any further negotiations with the County that causes the displacement of members that have unselfishly devoted their lives to this Council, the residents and visitors of this great City. Local 2918 represents the Firefighters of both the City of Okeechobee and Okeechobee County. Although we realize the value of a consolidated or regional approach to fire services, we can not support any action that does so by laying off firefighters and reducing staffing to your city residents. There are models all across South Florida that have moved to regional fire service delivery without harming the firefighters who have served those areas. This Local is more than willing to work with the City, if that is your goal. This plan is not the answer. In these times of the COVID-19 pandemic, your first responders have done all they have been asked to do, risking life, health and potentially even the health of our families we go home to. We do not back down, have been here to protect this City, and we have become stronger together to get through these tough times. We are asking for you and this Council to have our backs; to protect our jobs; our future; and our families, as we serve yours."

A letter signed by BOCC Chairperson Terry Burroughs was received just prior to the meeting, and read by Mayor Watford into the record as follows: "The BOCC of Okeechobee County, at the request of the City of Okeechobee, prepared and provided an ILA for fire services, without specific guidance from the City, other than acceptance of the cost proposed. The County submitted an initial draft agreement understanding that the City and the County would work together, collaborating on the agreement to reach a mutually beneficial arrangement. To that end, the County, in a spirit of cooperation, remains willing to honor the initial draft proposal and negotiate on terms in the initial draft proposal, except section 5 of the revised draft agreement provided to you by the City Administrator. The revised draft agreement before you from the City Administrator has various additional terms for your consideration. The terms in Section 11 service performance goals including penalties and reporting requirements are not mutually agreeable. We trust the City Council will diligently review these recommendations and changes, alongside the initial draft agreement submitted; considering each change carefully in the continuous spirit of cooperation that has been mutually beneficial to both the City and the County. Finally, to clarify any potential past misunderstandings, please understand the County has not made any decision one way or another as to a preference for holding a referendum concerning this matter. The initial draft interlocal agreement was prepared in such a way that a dual referendum would not be legally required, as the county would not be placing an assessment on the city properties; but that does not govern the ultimate decision of whether a referendum is held by the City. The County looks forward to continuing to work together in the best interest of all the citizens of Okeechobee County."

A letter dated June 2, 2020, signed by Jennifer Tewksbury as Executive Director of the Economic Council of Okeechobee (ECOK) was distributed at the meeting. Although the letter was not requested to be read into the record, it will be made part of the official minute file along with the supporting documents accompanying it. The letter cited their support to continue discussions to combine the fire services.

The Mayor and Council Members agreed that the BOCC and OCFR employees had taken a unwarranted and unprovoked brow beating throughout social media over the concept of contracting the fire services. The topic is very sensitive. Residents have been passionate expressing their individual opinions on whether this is a decision that should be provided on a ballot for City voters, the method of how the OFD employees will be ensured employment at the County, what the realistic tax savings are, and any effect it may have on their level of service. Following a lengthy discussion, **the consensus of the City Council was to ask the BOCC Chair to meet with the Mayor, both the City and County Attorney's and Administrator's, extending the meeting invitation to Tori Fatji (IAFF District 12 Field Service Representative) and Josh Borgstrom (IAFF Local 2918 President) to review the proposed ILA. This is not a formal appointed committee. No authority is being delegated that would require them to meet under sunshine laws. The meeting(s) will be fact-finding and/or information gathering for both parties to report back to their respective boards.** The Council suggested one specific item be discussed, would the County be interested in allowing the City to participate in their fire assessment study currently being conducted. If so, then whether the County would consider the outcome of the combined assessment as a benchmark for the City's annual cost for the fire services ILA.

The following public comments were made throughout the discussion:

Chief Smith stated there has never been an issue between him, OFD, or OCFR firefighters. They are equal in training, some just have more experience than others. He trusts OCFR like his own firefighters. He asked the Council not to rush a decision about the ILA, to take their time, and to exhaust all options. In addition to Captain Rodriguez's option of bringing the ambulance services (EMS) in-house at the OFD, there is an option of consolidating the OFD with the City Police Department to create a combined Public Safety Operations. Many municipalities have done this as a cost savings.

On behalf of his employees, he expressed his appreciation to the Council for agreeing to allow a group to attempt to work out the ILA issues. He confidently stated how proud he was of the OFD employees. They have had this issue hanging over their heads for a long time. It has almost destroyed the Department. Every day they have not given less. The professionalism the OFD employees have displayed while conducting their jobs, all the while not knowing whether the Department would be abolished, has been admirable. The addition of the COVID-19 pandemic and mandatory quarantine procedures have caused additional stress and complications for them to contend with as well. As essential personnel and first responders they have experienced some close calls. Several employees, including the Chief, have returned home at the end of shift with a mask and having to isolate themselves for fear of exposing their families to the virus. He asked that the Council have empathy toward his employees and put themselves in their situation. Many of them cannot start over in their firefighting careers, regardless of what the law states. In the real world it is only natural that the bigger departments hire the younger applicants; they do not have the baggage, wear, and tear of a seasoned firefighter, as the job takes a physical toll on their bodies. The OFD employees, which are your firefighters, have kept up their same high-level standard of care through all of this and will continue to do so until the day they are asked to leave. In closing, he again implored the Council to research and give each option the same consideration, taking their time to talk it all through. Out of respect for his employees who have many years of dedication to the City, he asked the Council to not just take whatever deal that can be struck with the County. Should a third party need to be hired, then do so. The expert data and direction they can provide is worth it.

Mr. Keith Walpole, President of the ECOK began his comments by extending appreciation to Chief Smith stating, "we thank you and your staff for your dedication to this community." He went on to agree this is an emotional issue. COVID-19 is a concern for everyone as the economic impact it is going to have is unknown. However, the Council has been prudent in looking at ways to save money in the future. It is his opinion that all sides could have communicated throughout this process better, and offered the availability of ECOK to facilitate the discussion as he hopes the County will agree to meet to have good, frank discussions on the issues. He was convinced that having one department will provide significant savings. In closing, he expressed his appreciation for the leadership the Council has provided, and it was his opinion that Okeechobee does not have the growth rate to sustain duplication of services. There are other areas the ECOK will be looking at that can use some shoring up.

Mr. Frank Wesley Williamson III, on behalf of the ECOK, stated he wanted to echo Mr. Walpole's comments. He then asked each Council Member to provide the Mayor with their individual position on the County hiring all OFD employees, as he would need to know this information going into discussions.

Mr. Lawrence Fipps addressed the Council stating he has been researching this issue over the last week or two. He stated to Mayor Watford that he respected his opinion on being opposed to the ILA, but did not understand the push for it. Using the information provided during the Audit earlier, the City has \$8 million unassigned in reserves. The Auditor applauded the strong financial system in operation. He then referred to Council Member Jarriel's comment regarding this issue being for the community and tax savings, and Mr. Walpole's comments about the savings the ILA will bring. He questioned the Council on why asking the residents who elected them by putting this issue on a referendum is not being considered; the residents are the ones paying for the services. The costs to keep the OFD should also be included in the referendum. He challenged the Council to ask the community about this first before making a decision.

Mr. Russell Cale addressed the Council by stating he arrived in this City in 1996, and became a part of the City Police Department in 1998. He appreciates the intent of the Council, as he is a City resident, but every December the Council takes the employees to the Fire Station for the annual Christmas dinner and calls them family. He asked the Council "Which one of your family members are you willing to let go? Why are you willing to make judgements without slowing down? We are affecting families and not really thinking it through."

Ms. Karyne Brass conveyed the duplication of services cited by materials distributed from the ECOK can be remedied by allowing EMS services to be performed by the OFD. She did not believe the savings, if any, was worth the extreme cost to any of the OFD employees losing their jobs. She asked that the Council slow down on making a decision to ensure they have explored all avenues before voting on something that cannot be taken back. She also watched the May 28, 2020, BOCC meeting, and it was clear to her that hiring all OFD employees was not part of their intended negotiations. Referring to the Audit Report presented earlier in the meeting, she noted the City has increased its net financial position by over \$200,000.00 in the last year. This was evidence to her that the OFD is not a drain of assets, nor are they at the top of a food chain (referring to the Department with the most expenses). Furthermore, the OFD would be more financially feasible should the chance to run their own EMS be given. She asked why the majority of the Council was fighting so hard for something that she believed the majority of the public was not supporting. From everything she has heard, this should be the City voter's decision to make. If the Council is going to give away the assets that City taxpayers paid for, then they deserve the chance to vote on that decision. In closing she asked, "please continue to consider, contemplate, and step back, look at what your constituents want. Be a representative of the City you were elected to be."

OFD Captain Lalo Rodriguez asked to make a comment to clarify a few issues. With Mayor Watford's approval he asked Council Member Clark to confirm that the \$1.2 million she referred to in an earlier statement during the discussion, was not to cover expenses specifically for the Fire Department but was actually a transfer-in to General Fund to cover operational expenses for all Departments from the Capital Improvement Projects Fund (providing a copy of the page 26 from the FY 2019-20 budget). She confirmed this information. He continued in regard to Council Member Jarriel's statement made earlier and at previous meetings that the City has had to go into the savings (reserves) every year to balance the budget. During the Audit Report earlier tonight, it was noted that for FY 2018-19, none of the budgeted reserves were used, but over \$400,000.00 in revenues were left over. He suggested some are not understanding that when the use of reserves is to be used to balance the projected budget, it does not mean they are actually going to be used, the amounts are all estimates. To substantiate his statement, he read excerpts from the Finance Director's memorandums presented at Council meetings for multiple FY's. "For FY 2017-18 none of the budgeted reserves of \$573,000.00 were utilized for the operational expenditures in the General Fund." For FY 2016-17, "none of the budgeted reserves of \$751,000.00 were utilized for the operational expenditures in General Fund." Then for FY 2015-16, it was projected that \$1,600,000.00 in reserves would be used, when just a little over \$430,000.00 was actually used. And in FY 2014-15, again it was projected to use \$832,962.00 from reserves when actually only \$118,412.00 was used. The current FY budget is projecting to use \$1.2 million in reserves. That is not saying the City is actually going to transfer it. Council Member Jarriel responded that he disagreed with the statements, but did not want to argue these points since he did not have a copy of the documents Captain Rodriguez was reading from, stating further that the **Administrator and Finance Director should bring this documentation to the next meeting to clear this issue up.**

Mayor Watford closed the discussion, noting that the County would be contacted as instructed. The item will come back at a later date.

- I. **ITEM ADDED TO AGENDA: A motion was made by Council Member Jarriel to extend the Landscape Maintenance Contract [Bid No. PW 01-10-01-16 with JMC Landscaping] for an additional 90-day period from May 8, 2020 to August 4, 2020; seconded by Council Member Clark.**

Administrator MontesDeOca provided a brief update on the forthcoming Landscape Maintenance Bid, as this extension will provide ample time to review, release, and award a new contract.

**VOTE: Ayes-Mayor Watford, Council Members Abney, Clark, Jarriel, and Keefe. Nays-none. Motion Carried.**

**VII. COUNCIL COMMENTS**

Council Members Jarriel and Keefe's comments were directly related to New Business Item H, for which discussion/action was already concluded. Mayor Watford, Council Members Abney and Clark did not have any comments.

- VIII.** There being no further items on the agenda, Mayor Watford adjourned the meeting at 8:17 P.M. The next regular meeting is scheduled for June 16, 2020, at 6:00 P.M.

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Dowling R. Watford, Jr., Mayor

ATTEST:

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Lane Gamiotea, CMC, City Clerk

Please take notice and be advised that when a person decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. City Clerk media are for the sole purpose of backup for official records of the Clerk.

DRAFT

**City of Okeechobee  
Check Register**

Check Dates 5/01/20 thru 5/31/20, Cash Account 001-101.2100 only, Including Reconciled Checks

Number	Date	Amount	Vendor	Payee	Voided
41462	5/06/20	117,801.35	PAYR	City Of Okeechobee Payroll Account	
41463	5/08/20	589.00	AMERD	American Drilling Services, Inc.	
41464	5/08/20	1,167.72	ARRIGO	Arrigo Dodge	
41465	5/08/20	49.96	AUTO SUP	Auto Supply of Okeechobee, Inc.	
41466	5/08/20	470.61	BOA4	Bank of America - 0752 fka 9846 FD	
41467	5/08/20	2,132.00	BOAPW	Bank of America - 2303 fka 9233 PW	
41468	5/08/20	2,006.92	BOAADMIN	Bank of America - 2709 fka 0257 Admin	
41469	5/08/20	203.18	BOA12	Bank of America - 7178 fka 6737 PD#2	
41470	5/08/20	69.99	BOA11	Bank of America 3373 fka 2149 PD#1	
41471	5/08/20	227.58	CITTECH	CIT Technology Finance Service, Inc.	
41472	5/08/20	710.84	CMCHECKSCMC		
41473	5/08/20	275.00	CSTC	Celeste Watford Tax Collector	
41474	5/08/20	16.89	CL - LD	CenturyLink	
41475	5/08/20	48.93	COMCAST	Comcast	
41476	5/08/20	115.59	COMCAST	Comcast	
41477	5/08/20	400.00	FITN	Fitness Factory	
41478	5/08/20	72.00	HARRIS	Harris Corporation	
41479	5/08/20	593.80	ICS	ICS Computers Inc.	
41480	5/08/20	4,808.22	IRSC	Indian River State College	
41481	5/08/20	4,733.75	LARU	LaRue Planning & Mngmnt Services, Inc.	
41482	5/08/20	600.00	MAPA	Michael Adelberg, PA	
41483	5/08/20	1,691.87	MES	Municipal Emergency Services	
41484	5/08/20	95.52	OREI	O'Reilly Auto Parts	
41485	5/08/20	63,358.88	PRMG1	PRM - Health Insurance	
41486	5/08/20	1,736.99	PRMG3	PRM - Life, LTD & STD	
41487	5/08/20	2,562.51	PRMG3	PRM - Life, LTD & STD	
41488	5/08/20	2,252.90	PRMG2	PRM - Vision & Dental	
41489	5/08/20	29.62	SPI	Safety Products Inc.	
41490	5/08/20	420.38	STATE FL	State of Florida Disbursement Unit	
41491	5/08/20	14.00	SUNM	Suncoast Medical Equipment	
41492	5/08/20	15.00	SUP	Superior Water Works, Inc.	
41493	5/08/20	44.13	TAYR	Taylor Rental - Okeechobee	
41494	5/08/20	171.94	TIZO	Tire Zone of Okeechobee, Inc.	
41495	5/08/20	50.00	TRANSU	TransUnion Risk & Alternative Data	
41496	5/08/20	2,639.00	TCMA	Treasure Coast Medical Associates	
41497	5/08/20	291.35	UNFC	UniFirst Corp	
41498	5/08/20	375.60	VERI	Verizon Wireless	
41499	5/08/20	69.97	W&WL	W & W Lumber Company of Okeechobee	
41500	5/08/20	3,772.00	WEXB	WEX Bank	
41501	5/08/20	90.30	WAST	Waste Management Inc. of Florida	
41502	5/08/20	20,000.00	CENTRALF	Central Florida Regional Planning Council	
41503	5/15/20	72.68	ADVANCE	Advance Auto Parts	
41504	5/15/20	1,625.00	CASGSLCC	CAS Governmental Services, LLC	
41505	5/15/20	39.25	CITTECH	CIT Technology Finance Service, Inc.	
41506	5/15/20	139.64	COMCAST	Comcast	
41507	5/15/20	288.00	CG&S	Custom Graphics & Signs, Inc.	
41508	5/15/20	2,090.81	EFEC	Everglades Farm Equip. Co., Inc.	
41509	5/15/20	155.76	FPU	Florida Public Utilities	
41510	5/15/20	794.88	HOME	Home Depot Credit Services	

**City of Okeechobee  
Check Register**

Check Dates 5/01/20 thru 5/31/20, Cash Account 001-101.2100 only, Including Reconciled Checks

Number	Date	Amount	Vendor	Payee	Voided
41511	5/15/20	2,190.95	ICS	ICS Computers Inc.	
41512	5/15/20	1,156.79	IMS	IMS	
41513	5/15/20	633.44	KYOCERA	KYOCERA Document Solutions Southeast	
41514	5/15/20	50.00	LEWISBRI	Lewis Brisbois Bisgaard & Smith	
41515	5/15/20	60.75	MCKESSON	McKesson Medical-Surgical Government	
41516	5/15/20	21.00	OREI	O'Reilly Auto Parts	
41517	5/15/20	221.02	OKAR	Okeechobee Army Surplus	
41518	5/15/20	499.55	OKEENEWS	Okeechobee News c/o Independent Newspape	
41519	5/15/20	74.80	RABON	Rabon's Country Feed	
41520	5/15/20	30.00	SELECTSH	Select Shred	
41521	5/15/20	83.64	TR	Thomson Reuters	
41522	5/15/20	97.00	THRE	Thread Works Embroidery, LLC	
41523	5/15/20	24.68	TIZO	Tire Zone of Okeechobee, Inc.	
41524	5/15/20	37.98	TYLAN	Tylander's Office Solutions	
41525	5/15/20	85.27	W&WL	W & W Lumber Company of Okeechobee	
41526	5/15/20	31,678.71	WAST	Waste Management Inc. of Florida	
41527	5/20/20	122,543.44	PAYR	City Of Okeechobee Payroll Account	
41528	5/22/20	172.13	CITTECH	CIT Technology Finance Service, Inc.	
41529	5/22/20	100.00	CHAK	Charles Akers Jr	
41530	5/22/20	134.64	COMCAST	Comcast	
41531	5/22/20	55.00	HPC	Highland Pest Control	
41532	5/22/20	755.15	KYOCERA	KYOCERA Document Solutions Southeast	
41533	5/22/20	3,570.83	OKCO	Okeechobee County - BOCC	
41534	5/22/20	240.00	OKFI	Okeechobee Fitness Center	
41535	5/22/20	1,598.59	OUA	Okeechobee Utility Authority	
41536	5/22/20	162.20	PFPC	P.F. Pettibone & Company	
41537	5/22/20	126.00	SQC	Scott's Quality Cleaning	
41538	5/22/20	199.70	SPRINT	Sprint	
41539	5/22/20	420.38	STATE FL	State of Florida Disbursement Unit	
41540	5/22/20	100.00	SUPP	Supplyline	
41541	5/22/20	87.92	TYLAN	Tylander's Office Solutions	
41542	5/22/20	234.79	USB	US Bank Equipment Finance	
41543	5/22/20	72.14	VERI	Verizon Wireless	
41544	5/22/20	173.96	WALMART	Walmart Community/GECRB	
41545	5/29/20	86.28	ADVANCE	Advance Auto Parts	
41546	5/29/20	117.50	AMERD	American Drilling Services, Inc.	
41547	5/29/20	563.96	AFLAC	American Family Life Assurance Co.	
41548	5/29/20	59.98	AUTO SUP	Auto Supply of Okeechobee, Inc.	
41549	5/29/20	3.22	BOA12	Bank of America - 7178 fka 6737 PD#2	
41550	5/29/20	900.00	BOA2	Bank of America - 8540	
41551	5/29/20	7.50	C&C	C&C Industrial Enterprise, LLC	
41552	5/29/20	85.44	CITTECH	CIT Technology Finance Service, Inc.	
41553	5/29/20	55.97	CITTECH	CIT Technology Finance Service, Inc.	
41554	5/29/20	2,016.75	CSTC	Celeste Watford Tax Collector	
41555	5/29/20	2,181.32	CL LOCAL	CenturyLink	
41556	5/29/20	953.90	CITY	City Electric Supply Co.	
41557	5/29/20	792.00	CII	Communications International, Inc.	
41558	5/29/20	50.00	DAWN	Dawn Hoover	
41559	5/29/20	35.00	DOUG	Douglas McCoy	

Run: 6/05/20  
11:49AM

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**City of Okeechobee  
Check Register**

Check Dates 5/01/20 thru 5/31/20, Cash Account 001-101.2100 only, Including Reconciled Checks

Number	Date	Amount	Vendor	Payee	Voided
41560	5/29/20	171.41	EMCN	EMC National Life Company	
41561	5/29/20	35.00	FELIXGR	Felix Granados	
41562	5/29/20	1,860.44	FPL	Florida Power & Light Company	
41563	5/29/20	792.00	HARRIS	Harris Corporation	
41564	5/29/20	5,200.00	JCNEW	JC Newell Const. Inspect. Services, Inc.	
41565	5/29/20	35.00	JAMESSHA	James Shaw	
41566	5/29/20	35.00	JOEPAP	Joseph Papasso	
41567	5/29/20	35.00	KARB	Karyne Brass	
41568	5/29/20	61.80	LEGAL SH	LegalShield	
41569	5/29/20	238.41	LIBERTY	Liberty National Life Ins. Co.	
41570	5/29/20	35.00	MLJ	Mac L Jonassaint	
41571	5/29/20	159.00	MSFE	Mid State Fire Equipment, Inc.	
41572	5/29/20	1,214.00	MES	Municipal Emergency Services	
41573	5/29/20	35.00	PHBA	Philip Baughman	
41574	5/29/20	218.99	PF&PO	Prof. Firefighters & Paramedics of Okee	
41575	5/29/20	35.00	RICHARDC	Richard Chartier	
41576	5/29/20	11,125.91	SATC	Salem Trust Company	
41577	5/29/20	346.00	SUPP	Supplyline	
41578	5/29/20	212.96	TAYR	Taylor Rental - Okeechobee	
41579	5/29/20	76.25	TTC	Thompson Tractor Company	
41580	5/29/20	24.68	TIZO	Tire Zone of Okeechobee, Inc.	
41581	5/29/20	900.00	POST	US Postal SVC/Neopost Postage On Call	
41582	5/29/20	338.42	UNFC	UniFirst Corp	
41583	5/29/20	46.00	UNWA	United Way	
41584	5/29/20	1,860.00	VANT ICM	Vantage Transfer Agents - 457	
41585	5/29/20	10.03	W&WL	W & W Lumber Company of Okeechobee	
Total Printed			124	Checks	442,683.88

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11:50AM

**City of Okeechobee**  
**Check Register**

Page: 1

Check Dates 5/01/20 thru 5/31/20, Cash Account 301-101.2100 only, Including Reconciled Checks

Number	Date	Amount	Vendor	Payee	Voided
3194	5/08/20	21.15	C&C	C&C Industrial Enterprise. LLC	
3195	5/08/20	130.20	DIAMONDR	Diamond R Fertilizer Co., Inc.	
3196	5/08/20	2,266.00	USA	USA Services of Florida, Inc.	
3197	5/15/20	1,303.38	B&BS	B & B Site Development	
3198	5/15/20	68.50	C&C	C&C Industrial Enterprise. LLC	
3199	5/22/20	4,437.51	FPL	Florida Power & Light Company	
3200	5/22/20	5,300.00	JMCL	JMC Landscaping Services, Inc.	
3201	5/29/20	62.70	DIAMONDR	Diamond R Fertilizer Co., Inc.	
3202	5/29/20	1,575.00	KWTR	KW Tree Service	
Total Printed			9	Checks	15,164.44

Run: 6/05/20  
11:50AM

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**City of Okeechobee**  
**Check Register**

Check Dates 5/01/20 thru 5/31/20, Cash Account 304-101.2100 only, Including Reconciled Checks

Number	Date	Amount	Vendor	Payee	Voided
1778	5/08/20	4,448.58	BOAPW	Bank of America - 2303 fka 9233 PW	
1779	5/08/20	79.99	BOAADMIN	Bank of America - 2709 fka 0257 Admin	
1780	5/08/20	1,646.95	ICS	ICS Computers Inc.	
1781	5/15/20	300.00	COCO	Coco Sod Farms	
1782	5/15/20	7,566.50	ECHOP	Echols Plumbing & Air Conditioning, LLC	
1783	5/29/20	39.50	AMERD	American Drilling Services, Inc.	
1784	5/29/20	978.15	ES&B	Econo Signs, LLC	
1785	5/29/20	268.03	W&WL	W & W Lumber Company of Okeechobee	
Total Printed			8	Checks	15,327.70

Run: 6/05/20  
11:50AM

**City of Okeechobee**  
**Check Register**

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Check Dates 5/01/20 thru 5/31/20, Cash Account 601-101.2100 only, Including Reconciled Checks

Number	Date	Amount	Vendor	Payee	Voided
258	5/08/20	75.00	TRS	Total Roadside Services, Inc.	
Total Printed			1	Checks	75.00

Prepared By/Return To:  
City of Okeechobee  
55 SE 3<sup>rd</sup> Avenue  
Okeechobee, FL 34974

## **GRANT OF TEMPORARY EASEMENT**

THIS GRANT OF TEMPORARY EASEMENT is made this \_\_\_\_ day of \_\_\_\_\_, 2020, by A Child's World Childcare and Preschool, Inc., a Florida corporation (***Grantor***), with an address of 4728 US Hwy 441 SE, Okeechobee, Florida 34974 and City of Okeechobee, a municipality organized and existing in the State of Florida (***Grantee***), with an address of 55 SE 3<sup>rd</sup> Avenue, Okeechobee, Florida 34974.

### RECITALS:

A. The Grantor owns a parcel of real property in the City of Okeechobee, Florida, described on attached Exhibit A (***Burdened Parcel***).

B. The Grantee has requested that the Grantor grant and the Grantor is willing to grant an easement for ditch maintenance and mowing and related activities over, under and across that portion of the Burdened Parcel described on attached Exhibit B (***Easement Land***) for a period of ninety (90) days.

NOW, THEREFORE, in pursuance of this agreement and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Grantor does hereby grant, bargain and sell unto the Grantee a perpetual, non-exclusive easement over, under and across the Easement Land for ditch maintenance and mowing for ninety (90) days.

PROVIDED, HOWEVER, this Grant of Easement is given upon the condition and by accepting the presents herein granted the Grantee does hereby agree as follows: (i) all costs associated with the said work shall be at the sole expense of the Grantee; (ii) in exercising said rights, the Grantee shall promptly restore all portions of the Easement Land to the condition existing prior to such disturbance, using materials of like kind and quality; and (iii) the Grantor may continue to use the Easement Land as it deems legally necessary, prudent and/or appropriate.

All of the benefits, covenants and agreements herein shall constitute covenants running with the land, shall be binding upon, and/or shall accrue to the benefit of the Grantor and Grantee and their respective successors in interest, assigns, heirs and personal representatives, having or hereafter acquiring any right, title or interest in and to all or any portion of the Burdened Parcel.

IN WITNESS WHEREOF, the Grantor and Grantee have set their hands and seals on the day and year first above written.

Signed, sealed and delivered  
in the presence of

A Child's World Childcare and Preschool, Inc. in  
a Florida corporation  
***Grantor***

\_\_\_\_\_  
\_\_\_\_\_  
(print witness name)

By: \_\_\_\_\_  
\_\_\_\_\_, as its  
\_\_\_\_\_

(SEAL)

\_\_\_\_\_  
\_\_\_\_\_  
(print witness name)

City of Okeechobee, a Municipality organized  
and existing in the State of Florida  
***Grantee***

\_\_\_\_\_  
\_\_\_\_\_  
(print witness name)

By: \_\_\_\_\_  
\_\_\_\_\_, as its  
\_\_\_\_\_

(SEAL)

\_\_\_\_\_  
\_\_\_\_\_  
(print witness name)

STATE OF FLORIDA )  
SS: )  
COUNTY OF OKEECHOBEE )

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this \_\_ day of June, 2020 by \_\_\_\_\_ of A Child's World Childcare and Preschool, Inc., a Florida corporation, on behalf of the corporation, who is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Print Notary Name

NOTARY PUBLIC  
State of Florida at Large  
My Commission Expires:

STATE OF FLORIDA )  
SS: )  
COUNTY OF OKEECHOBEE )

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this \_\_ day of June, 2020 by \_\_\_\_\_ of the City of Okechobee, a municipality corporation organized and existing in the State of Florida, on behalf of the municipality corporation, who is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Print Notary Name

NOTARY PUBLIC  
State of Florida at Large  
My Commission Expires:

EXHIBIT A

Burdened Parcel

**FIRST ADDITION TO OKEECHOBEE (PLAT BOOK 1 PAGE 11 AND PLAT BOOK 5 PAGE 6) A PARCEL OF LAND LYING IN OKEECHOBEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 3 IN BLOCK 251, FIRST ADDITION TO OKEECHOBEE, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 6, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA; RUN NORTH ALONG THE EAST BOUNDARY OF SAID BLOCK 251, IF EXTENDED NORTH A DISTANCE OF 269.40 FEET TO THE SOUTH R/W LINE OF THIRD STREET; THENCE RUN WEST ALONG THE SOUTH R/W LINE OF THIRD STREET, A DISTANCE OF 200 FEET TO THE WEST BOUNDARY OF SAID BLOCK 251, IF EXTENDED NORTH; THENCE RUN SOUTH ALONG SAID EXTENDED BOUNDARY A DISTANCE OF 267.37 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3, OF BLOCK 251; THENCE RUN EAST ALONG THE SOUTH BOUNDARY OF LOT 3 A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING. SAID DESC INCLUDES LOTS 1 2 3 BLOCK 251 TOGETHER WITH THE FOLLOWING: FIRST ADDITION TO OKEECHOBEE (PLAT BOOK 1 PAGE 11 AND PLAT BOOK 5 PAGE 6) LOTS 4, 5 & 6 BLOCK 251**

EXHIBIT B

Easement Land

**Easement location: the 15 feet along the entire length of the most easterly portion of parcel 3-21-37-35-0020-02510-0010(08), lying to the west of the platted Right of Way of Southwest 7<sup>th</sup> Avenue.  
Located at 703 SW 6<sup>th</sup> St, Okeechobee Florida**

## **ORDINANCE NO. 1212**

**AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING THE CITY OF OKEECHOBEE COMPREHENSIVE PLAN, ORDINANCE NO. 635 AS AMENDED, BY REVISING THE FUTURE LAND USE MAP ON CERTAIN TRACTS OF LAND MORE PARTICULARLY DESCRIBED HEREIN FROM SINGLE FAMILY RESIDENTIAL AND MULTI-FAMILY RESIDENTIAL TO INDUSTRIAL (APPLICATION NO. 20-002-SSA); PROVIDING FOR INCLUSION OF ORDINANCE AND REVISED FUTURE LAND USE MAP IN THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council for the City of Okeechobee recognizes the need to plan for orderly growth and development; and

**WHEREAS**, Chapter 163, Florida Statutes provides for amendment to Adopted Comprehensive Plans; and

**WHEREAS**, the City has received and reviewed certain Application (No. 20-002-SSA), submitted by Loumax Development Inc. on behalf of the property owner Nemec Children's Trust, for a small-scale amendment to the Future Land Use Map of the City's Comprehensive Plan, and said Application being reviewed by the City's Planning Board, acting as the Local Planning Agency, at a duly advertised Public Hearing initially held on February 20, 2020, and at the request of the Applicant, deferred to March 19, 2020, deferred to April 16, 2020, and deferred to May 21, 2020, which determined such request to be inconsistent with the Comprehensive Plan and inconsistent with the pattern of future land uses within the City; and

**WHEREAS**, the City Council has disagreed with the recommendation of the Planning Board and City Staff as set forth in the Planning Staff Report, and therefore finds that the proposed Application complies with the requirements of Florida Statutes 163, Part II, and that the proposed Application is consistent with the Comprehensive Plan and appropriate to the future land uses within the City.

**NOW, THEREFORE**, it is ordained before the City Council for the City of Okeechobee, Florida; presented at a duly advertised public meeting; and passed by majority vote of the City Council; and properly executed by the Mayor or designee, as Chief Presiding Officer for the City:

### **SECTION 1:        SHORT TITLE.**

**THIS ORDINANCE** shall be known as the "City of Okeechobee Small Scale Development Activities Comprehensive Plan Amendment," pursuant to Florida Statutes 163.3187, regarding Application No. 20-002-SSA and shall be effective within the City limits of the City of Okeechobee, Florida.

### **SECTION 2:        AUTHORITY.**

This City of Okeechobee Small Scale Development Activities Comprehensive Plan Amendment is adopted pursuant to the provisions of Chapter 163.3187, Part II, Florida Statutes.

### **SECTION 3:        REVISIONS TO THE FUTURE LAND USE MAP.**

1. The following described land consisting of approximately 2.87 combined acres is hereby re-designated for purposes of the Future Land Use Map of the City of Okeechobee Comprehensive Plan:

- a. Application No. 20-002-SSA, approximately 0.86 acres from Single Family Residential to Industrial. The Legal Description of Subject Property is as follows:

**ALL OF BLOCKS 190 AND 191, OKEECHOBEE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 5, PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.**

- b. Application No. 20-002-SSA, approximately 1.60 acres from Multi-Family Residential to Industrial. The Legal Description of Subject Property is as follows:

**A PORTION OF THE FLORIDA EAST COAST RAILWAY COMPANY RIGHT-OF-WAY, SINCE ABANDONED, AND OF NORTH CURVE STREET, SINCE ABANDONED, AS SHOWN ON PLAT OF FIRST ADDITION TO OKEECHOBEE, FLORIDA, AS RECORDED IN PLAT BOOK 5, PAGE 6, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF SOUTHWEST 6TH STREET WITH THE WEST RIGHT-OF-WAY OF SOUTHWEST 7TH AVENUE; THENCE NORTH 00°08'53" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID**

SOUTHWEST 7TH AVENUE, A DISTANCE OF 76.17 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°49'42" WEST, A DISTANCE OF 199.99 FEET TO THE INTERSECTION WITH THE NORTHERLY EXTENSION OF THE WEST LINE OF BLOCK 251 OF SAID PLAT OF FIRST ADDITION TO OKEECHOBEE; THENCE NORTH 00°08'48" WEST ALONG SAID NORTHERLY EXTENSION, A DISTANCE OF 693.57 FEET TO THE INTERSECTION WITH THE WESTERLY EXTENSION OF THE NORTH RIGHT-OF-WAY LINE OF SOUTHWEST 4TH STREET; THENCE NORTH 89°47'29" EAST ALONG SAID WESTERLY EXTENSION, A DISTANCE OF 60.00 FEET TO THE NORTHWEST CORNER OF SOUTHWEST 4TH STREET; THENCE SOUTH 00°08'48" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF SOUTHWEST 4TH STREET, A DISTANCE OF 100.00 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 190, OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, SAID POINT BEING A POINT OF CURVATURE OF A CURVE TO THE LEFT AND HAVING FOR ITS ELEMENTS, A CENTRAL ANGLE OF 27°36'08 AND A RADIUS OF 1230.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 592.55 FEET TO THE SOUTHEAST CORNER OF BLOCK 191 OF SAID PLAT OF OKEECHOBEE; THENCE SOUTH 00°08'53" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID SOUTHWEST 7TH AVENUE, A DISTANCE OF 23.65 FEET TO THE POINT OF BEGINNING.

**SECTION 4: INCLUSION OF ORDINANCE AND REVISED FUTURE LAND USE MAP IN THE COMPREHENSIVE PLAN.**

It is the intention of the City Council of the City of Okeechobee, Florida that the provisions of this Ordinance, and the revisions to the Future Land Use Map which are incorporated herein by reference, shall become and be made a part of the City of Okeechobee Comprehensive Plan (City of Okeechobee Ordinance No. 635, as amended).

**SECTION 5: CONFLICT.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 6: SEVERABILITY.**

If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

**SECTION 7: EFFECTIVE DATE.**

The effective date of this plan amendment shall be thirty-one (31) days after the adoption of this Ordinance, if not timely challenged. If timely challenged, this amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

**INTRODUCED AND ADOPTED** at First Reading and Final Public Hearing on this **16<sup>th</sup>** day of **June, 2020**, pursuant to Florida Statutes 163.3187(2).

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Dowling R. Watford, Jr., Mayor

**ATTEST:**

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Lane Gamiotea, CMC, City Clerk

**REVIEWED FOR LEGAL SUFFICIENCY:**

---

John J. Fumero, City Attorney

City of Okeechobee General Services Department 55 S.E. 3 <sup>rd</sup> Avenue, Room 101 Okeechobee, Florida 39974-2903 Phone: (863) 763-3372, ext. 218 Fax: (863) 763-1686	Date: <u>1-10-20</u>	Petition No. <u>20-002-SSA</u>
	Fee Paid:	Jurisdiction: <u>PB FCC</u>
	1 <sup>st</sup> Hearing: <u>2-20-20</u>	2 <sup>nd</sup> Hearing: <u>3-17-20</u>
	Publication Dates:	
	Notices Mailed: <u>N/A</u>	

## APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

### TO BE COMPLETED BY CITY STAFF:

Verified FLUM Designation: SF + MF

Verified Zoning Designation: RMF

- Plan Amendment Type:
- ☐ Large Scale (LSA) involving over 10 acres or text amendment
- ☒ Small Scale (SSA) 10 acres or less
- ☐ Small Scale (SSA) More than 10 but less than 20 acres if the proposed amendment will have a positive effect in addressing the problems of low per capita incomes, low average wages, high unemployment, instability of employment, and/or other indices of economically distressed communities.

### APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. ***Please print or type responses.*** If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: \_\_\_\_\_.

Submit 1 (one) copy of the complete application and amendment support documentation, including maps, to the General Services Department. Fifteen (15) copies of any documents over 11 X 17 are required to be submitted by the applicant.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

✱

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner or  
Authorized Representative\*

\*Attach Notarized Letter of Owner's Authorization

For questions relating to this application packet, call the General Services Dept. at (863) -763-3372, Ext. 218

City of Okeechobee  
General Services Department  
55 S.E. 3<sup>rd</sup> Avenue, Room 101  
Okeechobee, Florida 39974-2903  
Phone: (863) 763-3372, ext. 218  
Fax: (863) 763-1686

Date:	Petition No.
Fee Paid:	Jurisdiction:
1 <sup>st</sup> Hearing:	2 <sup>nd</sup> Hearing:
Publication Dates:	
Notices Mailed:	

## APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT

### TO BE COMPLETED BY CITY STAFF:

Verified FLUM Designation: \_\_\_\_\_

Verified Zoning Designation: \_\_\_\_\_

- Plan Amendment Type:
- ☐ Large Scale (LSA) involving over 10 acres or text amendment
  - ☒ Small Scale (SSA) 10 acres or less
  - ☐ Small Scale (SSA) More than 10 but less than 20 acres if the proposed amendment will have a positive effect in addressing the problems of low per capita incomes, low average wages, high unemployment, instability of employment, and/or other indices of economically distressed communities.

### APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. *Please print or type responses.* If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: \_\_\_\_\_.

Submit 1 (one) copy of the complete application and amendment support documentation, including maps, to the General Services Department. Fifteen (15) copies of any documents over 11 X 17 are required to be submitted by the applicant.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.

Date

1/6/2020

Signature of Owner or  
Authorized Representative\*

\*Attach Notarized Letter of Owner's Authorization

For questions relating to this application packet, call the General Services Dept. at (863) -763-3372, Ext. 218

**I. APPLICANT/AGENT/OWNER INFORMATION**

LOUMAX DEVELOPMENT INC

**Applicant**

P.O. BOX 5501

Address

Fort Lauderdale

FL

33310

City

State

Zip

954-347-1077

NJMARKUS@GMAIL.COM

Telephone Number

Fax Number

E-Mail

STEVEN L. DOBBS

**Agent\***

209 NE 2ND STREET

Address

OKEECHOBEE

FL

34972

City

State

Zip

863-824-7644

SDOBBS@STEVEDOBBSENGINEERING.COM

Telephone Number

Fax Number

E-Mail

*Ruth G. Spradley & Gale B. Nemece*  
%-NEMEC CHILDRENS TRUST

**Owner(s) of Record**

5243 EUROPA DRIVE, UNIT P

Address

BOYNTON BEACH

FL

33437

City

State

Zip

863-634-4497

Telephone Number

Fax Number

E-Mail

Name, address and qualification of additional planners, architects, engineers, environmental consultants, and other professionals providing information contained in this application.

\*This will be the person contacted for all business relative to the application.

For questions relating to this application packet, call the General Services Dept. at (863) -763-3372, Ext. 218

**II. REQUESTED CHANGE (Please see Section V. Fee Schedule)**

**A. TYPE:** (Check appropriate type)

☐ Text Amendment

☒ Future Land Use Map (FLUM) Amendment

**B. SUMMARY OF REQUEST** (Brief explanation):

TO CHANGE THE FUTURE LAND USE OF THE 2.87 ACRES OF THE THREE PARCELS FROM  
RESIDENTIAL MULTI FAMILY TO INDUSTRIAL

*SF & MF to Industrial*

**III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY** (for amendments affecting development potential of property)

**A. PROPERTY LOCATION:**

1. Site Address: 500-600 BLOCK OF SW 7TH AVE , OKEECHOBEE, FL 34974

2. Property ID #(s): 3-15-37-35-0010-01910-0010, 3-21-37-35-0020-02510-0130,  
3-15-37-35-0010-01900-0010

**B. PROPERTY INFORMATION** (Note: Property area should be to the nearest tenth of an acre. For properties of less than one acre, area should be in square feet.)

1. Total Area of Property: 2.87 ACRES

2. Total Area included in Request: 2.87 ACRES

a. In each Future Land Use (FLU) Category: \_\_\_\_\_

(1) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

b. Total Uplands: 2.87 ACRES

c. Total Wetlands: 0

Residential /  
multiple Family

3. Current Zoning: SINGLE FAMILY RESIDENTIAL & MULTI-FAMILY RESIDENTIAL  
4. Current FLU Category: MULTI FAMILY RESIDENTIAL *Single Family Residential*  
5. Existing Land Use: VACANT  
6. Requested FLU Category: INDUSTRIAL

**D. MAXIMUM DEVELOPMENT POTENTIAL OF THE SUBJECT PROPERTY**

Development Type	Existing FLU Category	Proposed FLU Category
Residential	2.87	0
Density (DU/Acre)	10	0
Number of Units	29	0
Commercial (sq.ft.)	0	0
Industrial (sq. ft.)	0	187.5 KSQ/FT

**IV. AMENDMENT SUPPORT DOCUMENTATION**

At a minimum, the application shall include the following support data and analysis. These items are based on the submittal requirements of the State of Florida, Department of Community Affairs for a comprehensive plan amendment, and policies contained in the City of Okeechobee Comprehensive Plan. Staff will evaluate this request based on the support documentation provided by the applicant.

**A. GENERAL INFORMATION AND MAPS**

**Unless otherwise specified, the Applicant must provide the following materials for any proposed amendment that will affect the development potential of properties. If large maps are submitted, the Applicant may be required to provide 8.5" x 11" maps for inclusion in public hearing packets.**

1. Wording of any proposed text changes.
- ✓ 2. A map showing the boundaries of the subject property, surrounding street network, and Future Land Use designations of surrounding properties.
- ✓ 3. A map showing existing land uses (not designations) of the subject property and surrounding properties.
- ✓ 4. Written descriptions of the existing land uses and how the proposed Future Land Use designation is consistent with current uses and current Future Land Use designations.
- ✓ 5. Map showing existing zoning of the subject property and surrounding properties.
- ✓ 6. Certified property boundary survey; date of survey; surveyor's name, address and phone number; and legal description(s) for the property subject to the requested change.

For questions relating to this application packet, call the General Services Dept. at (863) -763-3372, Ext. 218

- ✓ 7. A copy of the deed(s) for the property subject to the requested change.
- ✓ 8. An aerial map showing the subject property and surrounding properties.
- ✓ 9. If applicant is not the owner, a notarized letter from the owner of the property authorizing the applicant to represent the owner.

**B. PUBLIC FACILITIES IMPACTS**

**Note:** The applicant must calculate public facilities impacts based on a maximum development scenario.

- ✓ 1. Traffic Analysis
  - a. For Small Scale Amendments (SSA)
    - (1) The Applicant shall estimate traffic volumes associated with the proposed change using the most recent edition of Trip Generation prepared by the Institute of Traffic Engineers and assuming maximum development potential of the property.
    - (2) If the proposed Future Land Use change will result in an increase of 100 or more peak hour vehicle trip ends in excess of that which would result under the current Future Land Use designation, the Applicant shall attach a Traffic Impact Study prepared by a professional transportation planner or transportation engineer
  - b. For Large Scale Amendments (LSA)

All LSAs shall be accompanied by a Traffic Impact Study prepared by a professional transportation planner or transportation engineer.
  - c. Traffic Impact Studies are intended to determine the effect of the proposed land use change on the city's roadway network and the city's ability to accommodate traffic associated with the proposed change over a ten-year planning period.
  - d. An inability to accommodate the necessary modifications within the financially feasible limits of the city's plan will be a basis for denial of the requested land use change;
- 2. Provide estimates of demand associated with maximum potential development of the subject property under the current and proposed Future Land Use designations for provision potable water, sanitary sewer, and recreation/open space as follows:
  - a. Potable Water and Sanitary Sewer demand based on:
    - (1) 114 gallons per person per day (gppd) for residential uses
    - (2) 0.15 gallons per day per square foot of floor area for nonresidential uses
  - b. Recreation, and Open Space demand for residential uses of 3 acres per thousand peak season population.

3. Provide a letter from the appropriate agency substantiating the adequacy of the existing and proposed facilities, to support development resulting from the proposed change, including:

- ✓ a. Solid Waste;
- ✓ b. Water and Sewer;
- ✓ c. Schools.

In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation, as well as estimates of maximum population and nonresidential square footage developable under the existing and proposed Future Land Use categories. The application should include the applicant's correspondence to the responding agency.

**C. ENVIRONMENTAL IMPACTS**

Proposed plan amendments shall be accompanied by evidence that the following studies either have been completed for another permitting agency or are not relevant to the property.

There shall be inventories of:

- ✓ 1. Wetlands and aquifer recharge areas.
- ✓ 2. Soils posing severe limitations to development.
- ✓ 3. Unique habitat.
- ✓ 4. Endangered species of wildlife and plants.
- ✓ 5. Floodprone areas.

**D. INTERNAL CONSISTENCY WITH THE CITY OF OKEECHOBEE COMPREHENSIVE PLAN**

- ✓ 1. Discuss how the proposal affects established City of Okeechobee population projections.
- ✓ 2. List all goals and objectives of the City of Okeechobee Comprehensive Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
- ✓ 3. Describe how the proposal affects the County's Comprehensive Plan as it relates to adjacent unincorporated areas.
- ✓ 4. List State Policy Plan and Regional Policy Plan goals and policies that are relevant to this plan amendment.

**E. JUSTIFICATION OF PROPOSED AMENDMENT**



Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

**V. FEE SCHEDULE**

Large Scale Amendment (LSA)	\$4,000.00 plus \$30.00 per acre
Small Scale Amendment (SSA)	\$850.00 plus \$30.00 per acre
Text Amendment Flat Fee	\$2,000.00 each

**VI. AFFIDAVIT**

I, NEAL MARKUS, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of the City of Okeechobee to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

\_\_\_\_\_  
Signature of Owner or Authorized Agent

\_\_\_\_\_  
Date

NEAL MARKUS  
\_\_\_\_\_  
Typed or Printed Name

STATE OF FLORIDA

COUNTY OF OKEECHOBEE

The foregoing instrument was certified and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed Name of Notary Public

Commission Expires on: \_\_\_\_\_

**E. JUSTIFICATION OF PROPOSED AMENDMENT**

Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

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Large Scale Amendment (LSA)	\$4,000.00 plus \$30.00 per acre
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Text Amendment Flat Fee	\$2,000.00 each

**VI. AFFIDAVIT**

I, NEAL MARKUS, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of the City of Okeechobee to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.

NEAL MARKUS  
Signature of Owner or Authorized Agent

1/6/2020  
Date

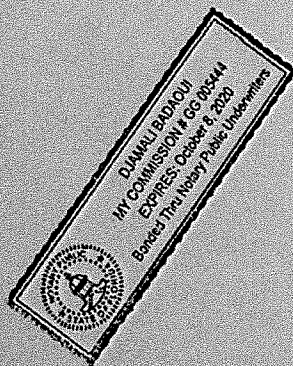
NEAL MARKUS

Typed or Printed Name

STATE OF FLORIDA

COUNTY OF OKEECHOBEE

The foregoing instrument was certified and subscribed before me this 6 day of JAN. 2020, by MARKUS-J. NEAL, who is personally known to me or who has produced FLDL as identification.



[Signature]  
Notary Public

Printed Name of Notary Public

Commission Expires on: oct-08-2020

For questions relating to this application packet, call the General Services Dept. at (863) -763-3372, Ext. 218

**Loumax Development, Inc.**

**City of Okeechobee Comp Plan Amendment Support Documentation**

**A. General Information and Maps**

**Unless otherwise specified, the Applicant must provide the following materials for any proposed amendment that will affect the development potential of properties. If large maps are submitted, the Applicant may be required to provide 8.5" x 11" maps for inclusion in public hearing packets.**

**1. Wording of any proposed text changes.**

None proposed.

**2. A map showing the boundaries of the subject property, surrounding street network, and Future Land Use designations of surrounding properties.**

Attached

**3. A map showing existing land uses (not designations) of the subject property and surrounding properties.**

Attached

**4. Written descriptions of the existing land uses and how the proposed Future Land Use designation is consistent with current uses and current Future Land Use designations.**

To the north is a parcel that has a Future Land Use (FLU) of Industrial and is being used as an Industrial use. To the east of this parcel are single family residences with a FLU of Single family. To the south, all the land has a FLU of Multi Family with a vacant structure that used to be a childcare facility. To the west there is a parcel, undeveloped, but with a FLE of Multi Family.

The proposed Future Land Use designation is consistent with the current major developed uses in the area and to the largest extent the surrounding parcels are vacant or undeveloped, with the exception to the east.

**5. Map showing existing zoning of the subject property and surrounding properties.**

Attached

6. **Certified property boundary survey; date of survey; surveyor's name, address and phone number; and legal description(s) for the property subject to the requested change.**

Attached

7. **A copy of the deed(s) for the property subject to the requested change.**

Attached

8. **An aerial map showing the subject property and surrounding properties.**

Attached

9. **If applicant is not the owner, a notarized letter from the owner of the property authorizing the applicant to represent the owner.**

~~N/A~~ Attached

#### **B. Public Facilities Impacts**

**Note:** The applicant must calculate public facilities impacts based on a maximum development scenario.

##### **1. Traffic Analysis**

###### **a. For Small Scale Amendments (SSA)**

- (1) **The Applicant shall estimate of traffic volumes associated with the proposed change using the most recent edition of Trip Generation prepared by the Institute of Traffic Engineers and assuming maximum development potential of the property.**

The existing FLU for the proposed property is 2.87 acres of Single Family on blocks 190 and 191, but the western parcel has a FLU of Multi Family. Blocks 190 and 191 total 1.27 acres and the maximum density of the FLU Single family has a maximum density of 5 units per acre, which would yield a total of 6 units. While the western parcel of 1.60 acres has a FLU of Multi Family that has a maximum density of 10 units to the acre for a total of 16 units. For a total traffic count of 163 daily trips and 16 peak PM hour trips. The proposed FLU Industrial for these parcels would have a maximum density of 187.5 KSF with a maximum of 3 stories according to the City's Comprehensive Plan, which would yield a total of 1,307

daily trips with a peak hour of 182 trips. This represents an increase of 1,144 daily trips and 166 peak hour trips.

- (2) If the proposed Future Land Use change will result in an increase of 100 or more peak hour vehicle trip ends in excess of that which would result under the current Future Land Use Designation, the applicant shall attach a Traffic Impact Study Prepared by a professional transportation planner or transportation engineer.**

While the proposed project at maximum density will generate more than an additional 100 trips per peak hour, a traffic study will be presented at site plan, if needed as the current owner does not plan to build 3 stories.

**b. For Large Scale Amendments (LSA)**

**All LSAs shall be accompanied by a Traffic Impact Study prepare by a professional transportation planner or transportation engineer.**

N/A

- c. Traffic Impact Studies are intended to determine the effect of the proposed land use change on the city's roadway network and the city's ability to accommodate traffic associated with the proposed change over a ten-year planning period.**

Acknowledged.

- d. An inability to accommodate the necessary modifications within the financially feasible limits of the city's plan will be a basis for denial of the requested land use change.**

Acknowledged.

**2. Provide estimates of demand associated with maximum potential development of the subject property under the current and proposed Future Land Use designations for provision potable water, sanitary sewer, and recreation/open space as follows:**

**a. Potable water and Sanitary Sewer demand based on:**

- (1) 114 gallons per person per day (gppd) for residential uses**

**Assume 2.5 residents per household**

Current =  $22 * 285 = 6,270$  gpd

Future =  $0 * 285 = 0$  gpd

**(2) 0.15 gallons per day per square foot of floor area for nonresidential uses**

Current  $0 * 0.15 = 0$  gpd

Future  $187.5 \text{ KSF} * 0.15 = 28,125$  gpd

This represents an increase of 21,855 gpd

**b. Recreation, and Open Space demand for residential uses of 3 acres per thousand peak season population.**

The proposed project is industrial and has no open space requirements.

**3. Provide a letter from the appropriate agency substantiating the adequacy of the existing and proposed facilities, to support development resulting from the proposed change, including:**

**a. Solid Waste;**

Please see attached letter from Waste Management.

**b. Water and Sewer:**

The impact of the potential FLU change is addressed in the letter provided by OUA.

**c. Schools.**

There will be a net reduction in student potential with this changing the FLU from residential to Industrial

**C. Environmental Impacts**

**Proposed plan amendments shall be accompanied by evidence that the following studies have been completed for another permitting agency or are not relevant to the property.**

**There shall be inventories of:**

**1. Wetlands and aquifer recharge areas.**

Please see the attached wetland map from the US Fish and Wildlife Service. From this map, there appear to be no wetlands on the subject parcel.

**2. Soils posing severe limitations to development**

There are two soils present at this site from the attached NRCS Websoil Survey, Immokalee Fine Sand, 0 to 2 percent slopes, and Myakka Fine Sand, 0 to 2 percent slopes. These soils do not appear to have any limitation to development.

**3. Unique habitat.**

This parcel is undeveloped but provides no unique habitat.

**4. Endangered species of wildlife and plants.**

Since everything around this parcel has been partially developed for many years and with all the development around it, it does not provide the conducive habitat for endangered species.

**5. Floodprone areas.**

According to the attached FEMA map 12093C0480C, the subject parcels are within Zone X and shown as an area of minimal flooding.

**D. Internal Consistency with the City of Okeechobee Comprehensive Plan**

**1. Discuss how the proposal affects established City of Okeechobee population projections.**

This parcel is currently undeveloped. With the anticipated Industrial project, no residents will be added to the City population. No adverse impacts to the City population projections are expected, with the projections in line with the Cities anticipated growth and concurrency projections.

**2. List all goals and objectives of the City of Okeechobee Comprehensive Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.**

There is no effect to the Comprehensive Plan Amendment's Policies and Objectives from this request. The minimal increase in density will not change the ability of the city or any other utilities to provide available water, sewer, or roads.

**3. Describe how the proposal affects the County's Comprehensive Plan as it relates to adjacent unincorporated areas.**

This project is an undeveloped parcel but will have very limited impact to the County's Comprehensive plan.

**4. List State Policy Plan and Regional Policy Plan goals and policies that are relevant to this plan amendment.**

Since the City's Comprehensive Plan has been found to be consistent with all state requirements, this application is also consistent with the State Policy Plan and Regional Policy Plan Goals. Since the major concern as stated in Chapter 163.006 (5)(I) is to discourage Urban Sprawl, this application can hardly be classified as Urban Sprawl since it is simply undeveloped land inside the City Limits for development or infill, which is the preferred development pattern.

#### **E. Justification of Proposed Amendment**

**Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.**

##### *Proposed Conditions*

For the proposed Industrial Land Use designation, the maximum development is approximately 50% building coverage, 3 stories.

L 1.2.d.

Use	Measure	Rate	Gallons per Day
Single Family/Multifamily (Existing)	22 Units @ 2.5 people per unit	114 gppd	6,270 gpd – water/sewer
Industrial (Proposed)	187.5 KSF	15 GPD per 100 sf	28,125 gpd – water/sewer
Net Impact			21,855 gpd – water/sewer

#### **Water and Wastewater Treatment Plants**

Based on the information obtained from Okeechobee Utility Authority, the permitted capacity of the surface water treatment plant is 5.0 mgd with the ground water treatment plant rated at 1.0 mgd. The wastewater treatment plant permitted capacity is currently 3.0 mgd.

The maximum daily flow of the combined water treatment plant finished water production is 3.89 mgd for the period of April 2018 through March 2019. The average daily flow of the wastewater treatment plant is 0.916 mgd of the 3 mgd plant for the same time period.

**Police**

The nearest City Police station is located at 50 SE 2nd Avenue. No additional Police stations are scheduled. The existing Police station should be able to maintain its level of service standard with the proposed amendment given that the project is immediately adjacent to an existing area already designated for commercial uses. Service availability from the Police Department will be determined by the local government review.

**Fire**

The nearest fire station is located at 55 SE 3rd Avenue. No additional fire stations are scheduled. The existing fire station should be able to maintain its level of service standard with the proposed amendment given that the project is immediately adjacent to an existing area already designated for commercial uses. Service availability from the Fire Department will be determined by the local government review.

**Solid Waste**

Waste Management operates the regional solid waste landfill. Waste Management has previously indicated they have a 100-year capacity left in their facility.

**Stormwater Management**

The project is located in the City of Okeechobee and according to the attached FIRM panel 12093C0480C, this parcel is in Flood Zone X.

There are no wellfields within 1,000 feet of the parcel.

Potential adverse impacts to ground and surface waters will be minimized by implementation of appropriate erosion control measures during construction in accordance with the NPDES Generic Permit for Stormwater Discharge from Large and Small Construction Activities. Erosion control measures that may be implemented include stabilization practices such as temporary seeding, permanent seeding, mulching, geotextiles, or sod stabilization; structural practices such as silt fences, earth dikes, diversions, swales, sediment traps, check dams, or storm drain inlet protection; and sediment basins.

Stormwater runoff quantity and quality are strictly regulated by the City and the SFWMD to ensure that pre-development drainage conditions are maintained. The proposed rate of discharge from the site will be less than or equal to the existing discharge rate from the site. The discharges off-site will be minimized by on-site detention within the stormwater management system. The drainage system will be owned, operated and maintained by the owner, who's past record of compliance has been shown to be a responsible property owner and should be acceptable to the City and the SFWMD. The Stormwater Management System will employ, wherever practical, a variety of Best Management Practices (BMP). The following are a list of potential BMP that could be integrated into the Water Management System during the final design and permitting stage:

- Oil and grease skimmers;
- Environmental swales;
- Minimize “short-circuiting” of pond flow patterns;
- Raised storm inlets in grassed swales;
- Utilize stormwater retention where feasible; and
- Street cleaning and general site maintenance.

### **Parks and Recreation**

This will be an industrial development with no Park and Recreation requirement.

### **Hurricane Preparedness**

This project is located outside any project storm surge areas within the City of Okeechobee. The current Florida Building Code requires impact windows and doors, if the residents desire to remain in the units, but management will encourage them to leave.

### **Miscellaneous Data**

#### **Parcel Control Numbers Subject to this Application**

3-15-37-35-0010-01910-0010, 3-21-37-35-0020-02510-0130, and 3-15-37-35-0010-01900-0010

#### **Legal Description**

Please refer to the attached legal and sketches that comprise this application for future land use amendment.

NEMEC Children's Trust  
City of Okeechobee Future Land Use Amendment Surrounding Property Owners **FLU Exhibit**



NEMEC Children's Trust  
City of Okeechobee Land Use Amendment Surrounding Property Owners Land Use Exhibit



NEMEC Children's Trust  
City of Okeechobee Surrounding Property Owners Zoning Exhibit



# 20-002-SSA

This Instrument prepared by:

JAMES NEMEC, ESQUIRE  
2001 Palm Beach Lakes Blvd., #400  
West Palm Beach, Florida 33409

222090

FILED FOR RECORD  
OKEECHOBEE CO. FL.

90 AUG 31 PM 2:01

GLORIA J. FORD  
CLERK OF CIRCUIT COURT

Warranty Deed,

made this 26<sup>th</sup> day of August, 1990.

Between JAMES NEMEC and RUTH B. NEMEC, his wife

having an address at County of Palm Beach, State of Florida, grantor,\*

and RUTH GENEVIEVE SPRADLEY and GALE BARTLETT NEMEC, as Trustees, grantee\*,

whose post office address is 7530 Clarke Road, Lake Clarke Shores, FL. 33406

**Witnesseth:** That the grantor, for and in consideration of the sum of \$ 10.00 and other good and valuable considerations, receipt whereof by grantor is hereby acknowledged, has granted, bargained and sold to grantee, and grantee's heirs, legal representatives, successors and assigns forever, the following described land, situate, lying and being in Okeechobee County, Florida: All of Block 191, TOWN OF OKEECHOBEE, according to the plat thereof recorded in Plat Book 2, Page 17, St. Lucie County, Florida, public records, lying in Okeechobee County.

That portion of the Florida East Coast Railway Company Right-of-way, since abandoned, and of North Curve Street, since abandoned, as shown on Plat of First Addition to Okeechobee, Florida, as recorded in Plat Book 2, page 26, of the Public Records of Saint Lucie County, Florida, and in Plat Book 1, page 11, of the Public Records of Okeechobee County, Florida, which is bounded on the West by the Northerly extension of the West Line of Block 251 (same also being a part of the East line of a tract of land known as the STATION GROUNDS of said Railway Company), and on the South by a line extending from the Southernmost point of Block 191, as shown on the Plat of the Town of Okeechobee, as recorded in Plat Book 2, page 17, of the Public Records of St. Lucie County, Florida, and in Plat Book 1, page 10, of the Public Records of Okeechobee County, Florida, in a Westerly direction, said line being North of and parallel with the Westerly extension of the North line of Third Street, and which is bounded on the North by the Westerly extension of the North line of Fifth Street, of said Town of Okeechobee aforesaid and all that part of Fourth Street and Fifth Street lying West of Seventh Avenue in said town of Okeechobee. Lots 1 to 6, inclusive of Block 190, OKEECHOBEE, according to the plat thereof re-recorded in Plat Book 2, page 17 of the public records of St. Lucie County, Florida.

**Together** with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that grantor is lawfully seized of said land in fee simple; that grantor has good right and lawful authority to sell and convey said land; that grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that, except as above noted, said land is free from all encumbrances.

"Grantor" and "grantee" are used for singular or plural, as context requires.

**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Ray Greenberg  
Ray Greenberg  
Linda Pearson  
Linda Pearson

James NemeC  
James NemeC  
Ruth B. NemeC  
Ruth B. NemeC

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 26 day of August, 1990, by JAMES NEMEC and RUTH B. NEMEC, his wife.

Ray Greenberg  
Notary Public

My commission expires:  
NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXP JUNE 22, 1993  
BONDED THRU GENERAL INS. UND.

NEMEC Children's Trust  
City of Okeechobee Future Land Use Amendment **Aerial Exhibit**



City of Okeechobee  
55 SE 3<sup>rd</sup> Avenue  
Okeechobee, FL 34974  
Tele: 863-763-3372 Fax: 863-763-1686

LAND USE POWER OF ATTORNEY

Name of Property Owner(s): NEMEC CHILDRENS TRUST

Mailing Address: 608 HARBOUR POINT WAY, GREENACRES, FL 33413

Home Telephone: Work: Cell: 863-634-4497

Property Address: 500-600 BLOCK OF SW 7TH AVENUE

Parcel ID Number: 3-15-37-35-0010-01910-0010, 3-21-37-35-0020-02510-0130, 3-15-37-35-0010-01900-0010

Name of Applicant: LOUMAX DEVELOPMENT INC

Home Telephone: Work: Cell: 954-347-1077

The undersigned, being the record title owner(s) of the real property described above, do hereby grant unto the applicant stated above the full right and power of attorney to make application to the City of Okeechobee to change the land use of said property. This land use change may include rezoning of the property, the granting of special exception or variances, and appeals of decisions of the Planning Department. It is understood that conditions, limitations and restrictions may be place upon the use or operation of the property. Misstatements upon application or in any hearing may result in the termination of any special exception or variance and a proceeding to rezone the property to the original classification. This power of attorney may be terminated only by a written and notarized statement of such termination effective upon receipt by the Planning Department.

IN WITNESS WHEREOF THE UNDERSIGNED HAVE SET THEIR HAND AND SEALS THIS 21  
DAY OF December 2019

[Signature]  
OWNER

[Signature]  
WITNESS

OWNER

[Signature]  
WITNESS

Before me the undersigned authority personally appeared the owner(s) named above who upon being duly sworn acknowledged before me that they are the owner(s) of the real property described above and that they executed the power of attorney for the purpose stated therein. Sworn and subscribed this 21<sup>st</sup> day of December 2019.

Notary Public: [Signature]  
Commission Expires: 09/09/21



Commission # GG 102811  
Expires September 9, 2021  
Bonded Thru Budget Notary Services



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

## Detail by Entity Name

Florida Profit Corporation

**LOUMAX DEVELOPMENT, INC.**

### Filing Information

**Document Number** P01000028001  
**FEI/EIN Number** 59-3707151  
**Date Filed** 03/19/2001  
**State** FL  
**Status** ACTIVE

### Principal Address

312 SW 7TH AVE  
OKEECHOBEE, FL 34974

Changed: 01/15/2007

### Mailing Address

P.O. BOX 5501  
FT LAUDERDALE, FL 33310

### Registered Agent Name & Address

FISHMAN, MICHAEL  
5064 NW 66 LN  
CORAL SPRINGS, FL 33067

### Officer/Director Detail

#### **Name & Address**

Title D

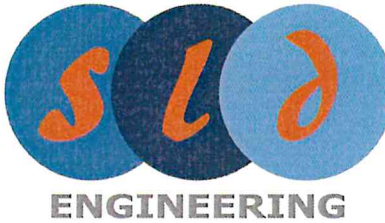
MARKUS, NEAL J  
1110 OYSTERWOOD ST  
HOLLYWOOD, FL 33019

Title D

FISHMAN, MICHEAL S  
5064 NW 66TH LANE  
CORAL SPRINGS, FL 33067

### Annual Reports

Report Year	Filed Date
-------------	------------



December 20, 2019

City of Okeechobee  
55 SE 3<sup>rd</sup> Avenue  
Okeechobee, FL 34974

**Subject: Loumax Development, Inc. Industrial Comp Plan Application Traffic Statement**

Dear Mr. Smith:

Steven L. Dobbs Engineering, LLC, has completed an analysis of the traffic generation statement for the above referenced facility. The project is to change the existing Future Land Use (FLU) from the existing Multi Family and Single Family to Industrial.

This analysis was based on a spreadsheet distributed by the Florida Department of Transportation, which is based on the Institute of Transportation Engineers (ITE) Trip Generation Manual (8<sup>th</sup> Edition). For the existing land use, the results indicate the existing 6 Single Family homes and 16 Apartments (ITE code 210 and 220 respectively) generates 163 total daily trips with 16 peak hour trips PM with 10 being in and 6 being out. For the proposed land use, the results indicate the 187.5 KSF of Light Industrial (ITE code 110) generates 1,307 total daily trips with 182 peak hour trips PM with 22 being in and 160 being out. For a change in Peak PM traffic of 1,144 total trips with 6 in and 154 being out.

Should you have any questions or comments, please do not hesitate to call.

Sincerely,

**Steven L. Dobbs Engineering**

Steven L. Dobbs, P. E.  
President

CC: Neal Markus  
File

**Instructions:**

Enter Numbers into the "Expected Units" in the Corresponding Yellow Column

**Trip Generation Rates from the 8th Edition ITE Trip Generation Report**

NA: Not Available

KSF<sup>2</sup>: Units of 1,000 square feet

DU: Dwelling Unit

Fuel Position: # of vehicles that could be fueled simultaneously

Occ.Room: Occupied Room

Description / ITE Code	Units	Rate Weekday Daily Traffic	PM Peak Period Rate	% PM In	% PM Out	Expected Units (independent variable)	Calculated Daily Trips	PM Peak Trips - Total	PM In	PM Out	Notes
Waterport/Marine Terminal 010	Berths	171.52	NA	NA	NA		0	NA	NA	NA	
Commercial Airport 021	Employees	13.40	0.80	54%	46%		0	0	NA	NA	
Commercial Airport 021	Avg Flights/Day	104.73	5.75	56%	44%		0	0	NA	NA	
Commercial Airport 021	Com. Flights/Day	122.21	6.88	54%	46%		0	0	NA	NA	
General Aviation Airport 022	Employees	14.24	1.03	45%	55%		0	0	NA	NA	
General Aviation Airport 022	Avg. Flights/Day	1.97	NA	NA	NA		0	NA	NA	NA	
General Aviation Airport 022	Based Aircraft	5.00	0.37	45%	55%		0	0	NA	NA	
Truck Terminal 030	Acres	81.90	6.55	43%	57%		0	0	NA	NA	Caution- Only 3 Studies
Park&Ride w/ Bus Service 090	Parking Spaces	4.50	0.62	22%	78%		0	0	NA	NA	
Park&Ride w/ Bus Service 090	Occ. Spaces	9.62	0.81	28%	72%		0	0	NA	NA	
Light Rail Station w/ Park 093	Parking Space	2.51	1.24	58%	42%		0	0	NA	NA	
Light Rail Station w/ Park 093	Occ. Spaces	3.91	1.33	58%	42%		0	0	NA	NA	
General Light Industrial 110	KSF <sup>2</sup>	6.97	0.97	12%	88%		0	0	NA	NA	
General Light Industrial 110	Employees	3.02	0.42	21%	79%		0	0	NA	NA	
General Heavy Industrial 120	KSF <sup>2</sup>	1.50	0.68	NA	NA		0	0	NA	NA	Caution-Only 3 Studies.
General Heavy Industrial 120	Employees	0.82	0.88	NA	NA		0	0	NA	NA	
Industrial Park 130	KSF <sup>2</sup>	6.96	0.86	21%	79%		0	0	NA	NA	
Industrial Park 130	Employees	3.34	0.46	20%	80%		0	0	NA	NA	
Manufacturing 140	KSF <sup>2</sup>	3.82	0.74	36%	64%		0	0	NA	NA	
Manufacturing 140	Employees	2.13	0.36	44%	56%		0	0	NA	NA	
Warehousing 150	KSF <sup>2</sup>	3.56	0.32	25%	75%		0	0	NA	NA	
Warehousing 150	Employees	3.89	0.59	35%	65%		0	0	NA	NA	
Mini Warehouse 151	KSF <sup>2</sup>	2.50	0.26	51%	49%		0	0	NA	NA	
Mini Warehouse 151	Storage Units	0.25	0.02	NA	NA		0	0	NA	NA	
Mini Warehouse 151	Employees	61.90	6.04	52%	48%		0	0	NA	NA	
High-Cube Warehouse 152	KSF <sup>2</sup>	1.44	0.10	33%	67%		0	0	NA	NA	
High-Cube Warehouse 152	Employees	NA	0.66	35%	65%		0	0	NA	NA	
Utilities 170	KSF <sup>2</sup>	NA	0.76	45%	55%		0	0	NA	NA	
Utilities 170	Employees	NA	0.76	90%	10%		0	0	NA	NA	
Single Family Homes 210	DU	9.57	1.01	63%	37%	6.0	57	6	4	2	
Single Family Homes 210	Vehicles	6.02	0.67	66%	34%		0	0	NA	NA	
Apartment 220	DU	6.65	0.62	65%	35%	16.0	106	10	6	3	
Apartment 220	Persons	3.31	0.40	NA	NA		0	0	NA	NA	
Apartment 220	Vehicles	5.10	0.60	NA	NA		0	0	NA	NA	
Low Rise Apartment 221	Occ.DU	6.59	0.58	65%	35%		0	0	NA	NA	
High Rise Apartment 222	DU	4.20	0.35	61%	39%		0	0	NA	NA	
Mid-Rise Apartment 223	DU	NA	0.39	58%	42%		0	0	NA	NA	
Rental Townhouse 224	DU	NA	0.72	51%	49%		0	0	NA	NA	Caution- Only 1 Study.
Resd. Condo/Townhouse 230	DU	5.81	0.52	67%	33%		0	0	NA	NA	
Resd. Condo/Townhouse 230	Persons	2.49	0.24	67%	33%		0	0	NA	NA	
Low Rise Resd. Condo 231	DU	NA	0.78	58%	42%		0	0	NA	NA	
High Rise Resd. Condo 232	DU	4.18	0.38	62%	38%		0	0	NA	NA	
Luxury Condo/Townhouse 233	Occ. DU	NA	0.55	63%	37%		0	0	NA	NA	
Mobile Home Park 240	DU	4.99	0.59	62%	38%		0	0	NA	NA	
Mobile Home Park 240	Persons	2.46	0.26	63%	37%		0	0	NA	NA	
Retirement Community 250	DU	NA	0.27	56%	44%		0	0	NA	NA	Caution- Only 1 Study
Elderly Housing-Detached 251	DU	3.71	0.27	61%	39%		0	0	NA	NA	Caution- Only 1 Study.
Congregate Care Facility 253	Occ.DU	2.15	0.17	56%	44%		0	0	NA	NA	Caution- Only 2 Studies
Elderly Housing- Attached 252	Occ.DU	3.48	0.16	60%	40%		0	0	NA	NA	Caution- Only 4 Studies
Recreational Homes 260	DU	3.16	0.26	41%	59%		0	0	NA	NA	
Residential PUD 270	DU	7.50	0.62	65%	35%		0	0	NA	NA	
Hotel 310	Occ. Room	8.92	0.70	49%	51%		0	0	NA	NA	
Hotel 310	Rooms	8.17	0.59	53%	47%		0	0	NA	NA	
Hotel 310	Employees	14.34	0.80	54%	46%		0	0	NA	NA	
All Suites Hotel 311	Occ.Room	6.24	0.55	42%	58%		0	0	NA	NA	Caution- Only 4 Studies
All Suites Hotel 311	Rooms	4.90	0.40	45%	55%		0	0	NA	NA	
Business Hotel 312	Occ. Room	7.27	0.62	60%	40%		0	0	NA	NA	Caution-Only 4 Studies
Business Hotel 312	Employees	72.67	7.60	60%	40%		0	0	NA	NA	
Motel 320	Occ.Room	9.11	0.58	53%	47%		0	0	NA	NA	
Motel 320	Rooms	5.63	0.47	54%	46%		0	0	NA	NA	
Motel 320	Employees	12.81	0.73	54%	46%		0	0	NA	NA	

**Instructions:**

Enter Numbers into the "Expected Units"  
in the Corresponding Yellow Column

**Trip Generation Rates from the 8th Edition ITE Trip Generation Report**

NA: Not Available

DU: Dwelling Unit

Occ.Room: Occupied Room

KSF<sup>2</sup>: Units of 1,000 square feet

Fuel Position: # of vehicles that could be fueled simultaneously

Description / ITE Code	Units	Rate Weekday Daily Traffic	PM Peak Period Rate	% PM In	% PM Out	Expected Units (independent variable)	Calculated Daily Trips	PM Peak Trips - Total	PM In	PM Out	Notes
Waterport/Marine Terminal 010	Berths	171.52	NA	NA	NA		0	NA	NA	NA	
Commercial Airport 021	Employees	13.40	0.80	54%	46%		0	0	NA	NA	
Commercial Airport 021	Avg Flights/Day	104.73	5.75	56%	44%		0	0	NA	NA	
Commercial Airport 021	Com. Flights/Day	122.21	6.88	54%	46%		0	0	NA	NA	
General Aviation Airport 022	Employees	14.24	1.03	45%	55%		0	0	NA	NA	
General Aviation Airport 022	Avg. Flights/Day	1.97	NA	NA	NA		0	NA	NA	NA	
General Aviation Airport 022	Based Aircraft	5.00	0.37	45%	55%		0	0	NA	NA	
Truck Terminal 030	Acres	81.90	6.55	43%	57%		0	0	NA	NA	Caution- Only 3 Studies
Park&Ride w/ Bus Service 090	Parking Spaces	4.50	0.62	22%	78%		0	0	NA	NA	
Park&Ride w/ Bus Service 090	Occ. Spaces	9.62	0.81	28%	72%		0	0	NA	NA	
Light Rail Station w/ Park 093	Parking Space	2.51	1.24	58%	42%		0	0	NA	NA	
Light Rail Station w/ Park 093	Occ. Spaces	3.91	1.33	58%	42%		0	0	NA	NA	
General Light Industrial 110	KSF <sup>2</sup>	6.97	0.97	12%	88%	187.5	1,307	182	22	160	
General Light Industrial 110	Employees	3.02	0.42	21%	79%		0	0	NA	NA	
General Heavy Industrial 120	KSF <sup>2</sup>	1.50	0.68	NA	NA		0	0	NA	NA	Caution-Only 3 Studies.
General Heavy Industrial 120	Employees	0.82	0.88	NA	NA		0	0	NA	NA	
Industrial Park 130	KSF <sup>2</sup>	6.96	0.86	21%	79%		0	0	NA	NA	
Industrial Park 130	Employees	3.34	0.46	20%	80%		0	0	NA	NA	
Manufacturing 140	KSF <sup>2</sup>	3.82	0.74	36%	64%		0	0	NA	NA	
Manufacturing 140	Employees	2.13	0.36	44%	56%		0	0	NA	NA	
Warehousing 150	KSF <sup>2</sup>	3.56	0.32	25%	75%		0	0	NA	NA	
Warehousing 150	Employees	3.89	0.59	35%	65%		0	0	NA	NA	
Mini Warehouse 151	KSF <sup>2</sup>	2.50	0.26	51%	49%		0	0	NA	NA	
Mini Warehouse 151	Storage Units	0.25	0.02	NA	NA		0	0	NA	NA	
Mini Warehouse 151	Employees	61.90	6.04	52%	48%		0	0	NA	NA	
High-Cube Warehouse 152	KSF <sup>2</sup>	1.44	0.10	33%	67%		0	0	NA	NA	
High-Cube Warehouse 152	Employees	NA	0.66	35%	65%		0	0	NA	NA	
Utilities 170	KSF <sup>2</sup>	NA	0.76	45%	55%		0	0	NA	NA	
Utilities 170	Employees	NA	0.76	90%	10%		0	0	NA	NA	
Single Family Homes 210	DU	9.57	1.01	63%	37%		0	0	NA	NA	
Single Family Homes 210	Vehicles	6.02	0.67	66%	34%		0	0	NA	NA	
Apartment 220	DU	6.65	0.62	65%	35%		0	0	NA	NA	
Apartment 220	Persons	3.31	0.40	NA	NA		0	0	NA	NA	
Apartment 220	Vehicles	5.10	0.60	NA	NA		0	0	NA	NA	
Low Rise Apartment 221	Occ.DU	6.59	0.58	65%	35%		0	0	NA	NA	
High Rise Apartment 222	DU	4.20	0.35	61%	39%		0	0	NA	NA	
Mid-Rise Apartment 223	DU	NA	0.39	58%	42%		0	0	NA	NA	
Rental Townhouse 224	DU	NA	0.72	51%	49%		0	0	NA	NA	Caution- Only 1 Study.
Resd. Condo/Townhouse 230	DU	5.81	0.52	67%	33%		0	0	NA	NA	
Resd. Condo/Townhouse 230	Persons	2.49	0.24	67%	33%		0	0	NA	NA	
Low Rise Resd. Condo 231	DU	NA	0.78	58%	42%		0	0	NA	NA	
High Rise Resd. Condo 232	DU	4.18	0.38	62%	38%		0	0	NA	NA	
Luxury Condo/Townhouse 233	Occ. DU	NA	0.55	63%	37%		0	0	NA	NA	
Mobile Home Park 240	DU	4.99	0.59	62%	38%		0	0	NA	NA	
Mobile Home Park 240	Persons	2.46	0.26	63%	37%		0	0	NA	NA	
Retirement Community 250	DU	NA	0.27	56%	44%		0	0	NA	NA	Caution- Only 1 Study
Elderly Housing-Detached 251	DU	3.71	0.27	61%	39%		0	0	NA	NA	Caution- Only 1 Study.
Congregate Care Facility 253	Occ.DU	2.15	0.17	56%	44%		0	0	NA	NA	Caution- Only 2 Studies
Elderly Housing- Attached 252	Occ.DU	3.48	0.16	60%	40%		0	0	NA	NA	Caution- Only 4 Studies
Recreational Homes 260	DU	3.16	0.26	41%	59%		0	0	NA	NA	
Residential PUD 270	DU	7.50	0.62	65%	35%		0	0	NA	NA	
Hotel 310	Occ. Room	8.92	0.70	49%	51%		0	0	NA	NA	
Hotel 310	Rooms	8.17	0.59	53%	47%		0	0	NA	NA	
Hotel 310	Employees	14.34	0.80	54%	46%		0	0	NA	NA	
All Suites Hotel 311	Occ.Room	6.24	0.55	42%	58%		0	0	NA	NA	Caution- Only 4 Studies
All Suites Hotel 311	Rooms	4.90	0.40	45%	55%		0	0	NA	NA	
Business Hotel 312	Occ. Room	7.27	0.62	60%	40%		0	0	NA	NA	Caution-Only 4 Studies
Business Hotel 312	Employees	72.67	7.60	60%	40%		0	0	NA	NA	
Motel 320	Occ.Room	9.11	0.58	53%	47%		0	0	NA	NA	
Motel 320	Rooms	5.63	0.47	54%	46%		0	0	NA	NA	
Motel 320	Employees	12.81	0.73	54%	46%		0	0	NA	NA	

**OKEECHOBEE LANDFILL, INC.**

10800 N.E. 128<sup>th</sup> Avenue  
Okeechobee, FL 34972  
(863) 357-0824

May 31, 2019

Steven L. Dobbs, P.E.  
President  
SLD Engineering

RE: Waste Management, Okeechobee Landfill Capacity

Mr. Dobbs,

The most recent Okeechobee Landfill Volume report calculated a total of 182,855,130 cubic yards of permitted remaining capacity. The calculations are based on an aerial survey of the active portion of the facility dated January 2, 2019 and a historic survey of the undeveloped portion of the facility dated December 27, 2010.

At the present waste intake 1,800,000 cyds/yr., we calculated an overall life of site of over 100 years. At an estimated 4.48 lbs MSW/day/person, (EPA 2015), the estimated impact from the development would be less than 600 cyds per year.

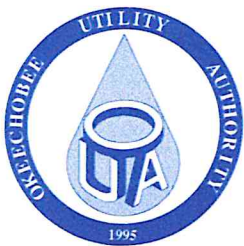
Waste Management, Okeechobee Landfill can easily meet the demand of the proposed development for the next 100 years.

If you have any questions or concerns, feel free to contact us.

Regards,

A handwritten signature in blue ink, appearing to read 'Charles Orcutt', with a long, sweeping horizontal line extending to the right.

Charles Orcutt, P.E.  
Market Area Engineer  
Waste Management, Inc. of Florida  
863-824-4010  
[Corcuttl@wm.com](mailto:Corcuttl@wm.com)

**OKEECHOBEE UTILITY AUTHORITY**

100 SW 5th Avenue  
Okeechobee, Florida 34974-4221

(863) 763-9460  
FAX: (863) 467-4335

December 18, 2019

Mr. Steven L. Dobbs, P.E.  
SLD Engineering  
1062 Jakes Way  
Okeechobee, FL 34974

Ref: **Water Capacity Request**

Parcel ID: 3-15-37-35-0010-01910-0010  
3-15-37-35-0010-01900-0010  
3-15-37-35-0020-02510-0130

Site Address:  
±500 SW 7<sup>th</sup> Avenue  
Okeechobee, FL 34974


Dear Mr. Dobbs:

In reference to a request for the availability of water capacity to the subject property, I submit the following information for your use in meeting the potable water demand requirements for the project.

The Okeechobee Utility Authority owns and operates two water treatment plants with a combined treatment capacity of 6 MGD. During the twelve month period from April 2018 to March 2019, the maximum daily flow was 3.89 MGD, or about 65% of capacity. At the present time, the OUA has excess capacity at the treatment plants. The OUA has a potable water distribution main in the road right of way near the subject property. Any upgrade requirements to the water main due to the demands of the proposed project will be at the project owners' expense.

Should you have any questions, comments or concerns with regards to the water system capacity, please contact the OUA at 863-763-9460.

Sincerely,

  
John F. Hayford, P.E.  
Executive Director  
Okeechobee Utility Authority

**OKEECHOBEE UTILITY AUTHORITY**

100 SW 5th Avenue  
Okeechobee, Florida 34974-4221

(863) 763-9460  
FAX: (863) 467-4335

December 18, 2019

Mr. Steven L. Dobbs P.E.  
Steven L. Dobbs Engineering, LLC  
1062 Jakes Way  
Okeechobee, Florida 34974

Ref: **Wastewater Capacity Request**

Parcel ID No.: 3-15-37-35-0010-01910-0010  
3-15-37-35-0010-01900-0010  
3-15-37-35-0020-02510-0130

Site Address:  
±500 SW 7<sup>th</sup> Avenue  
Okeechobee, FL 34974

Dear Mr. Dobbs:

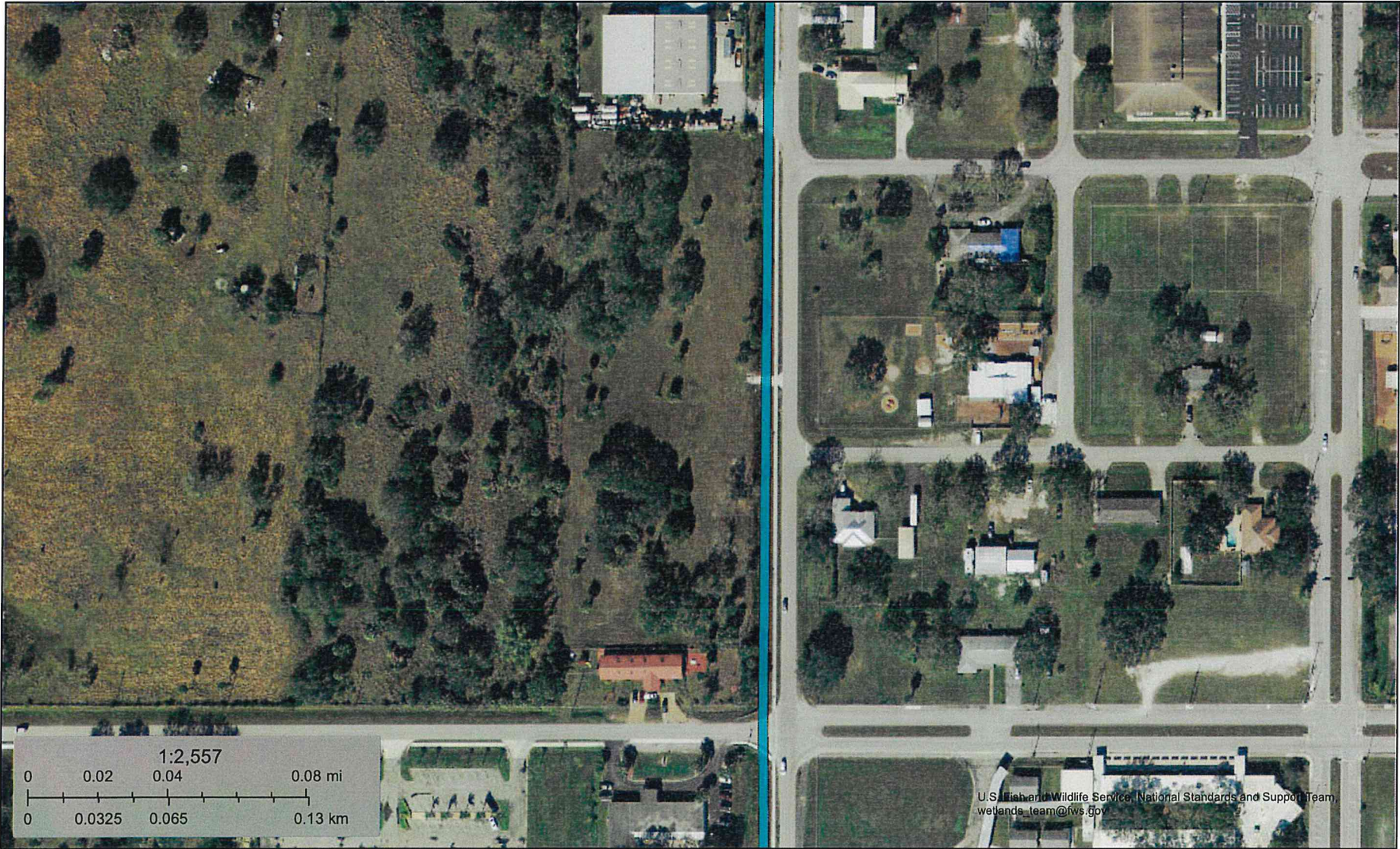
In reference to a request of the availability of wastewater capacity to the subject property, I submit the following information for your use in the permitting for the above referenced project.

The Okeechobee Utility Authority owns and operates one regional wastewater treatment plant with a FDEP permitted capacity of 3.9 MGD. During the twelve month period from May 2018 to April 2019, the annual average daily demand was 0.916 MGD, or about 24% of the current 3.9 MGD treatment capacity. The OUA does not have a wastewater service line near the subject property. Any line extensions or upgrades required to tie in to the wastewater system due to the demands of the proposed project will be at the project owner's expense.

Should you have any other questions, comments or concerns with regards to the wastewater system capacity, please contact the OUA at 863.763.9460.

Sincerely,

John F. Hayford, P.E.  
Executive Director



December 18, 2019

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

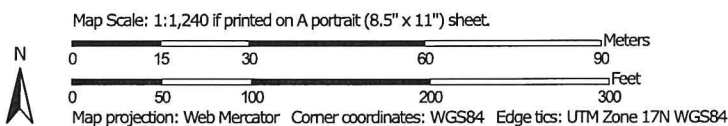
This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

C2

Soil Map—Okeechobee County, Florida  
(Neal Markus Industrial)



Soil Map may not be valid at this scale.



Natural Resources  
Conservation Service


Web Soil Survey  
National Cooperative Soil Survey

12/17/2019  
Page 1 of 3

Soil Map—Okeechobee County, Florida  
(Neal Markus Industrial)

## MAP LEGEND

### Area of Interest (AOI)

 Area of Interest (AOI)

### Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

### Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

### Water Features



Streams and Canals

### Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

### Background



Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Okeechobee County, Florida

Survey Area Data: Version 16, Sep 17, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 20, 2015—Mar 21, 2015

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

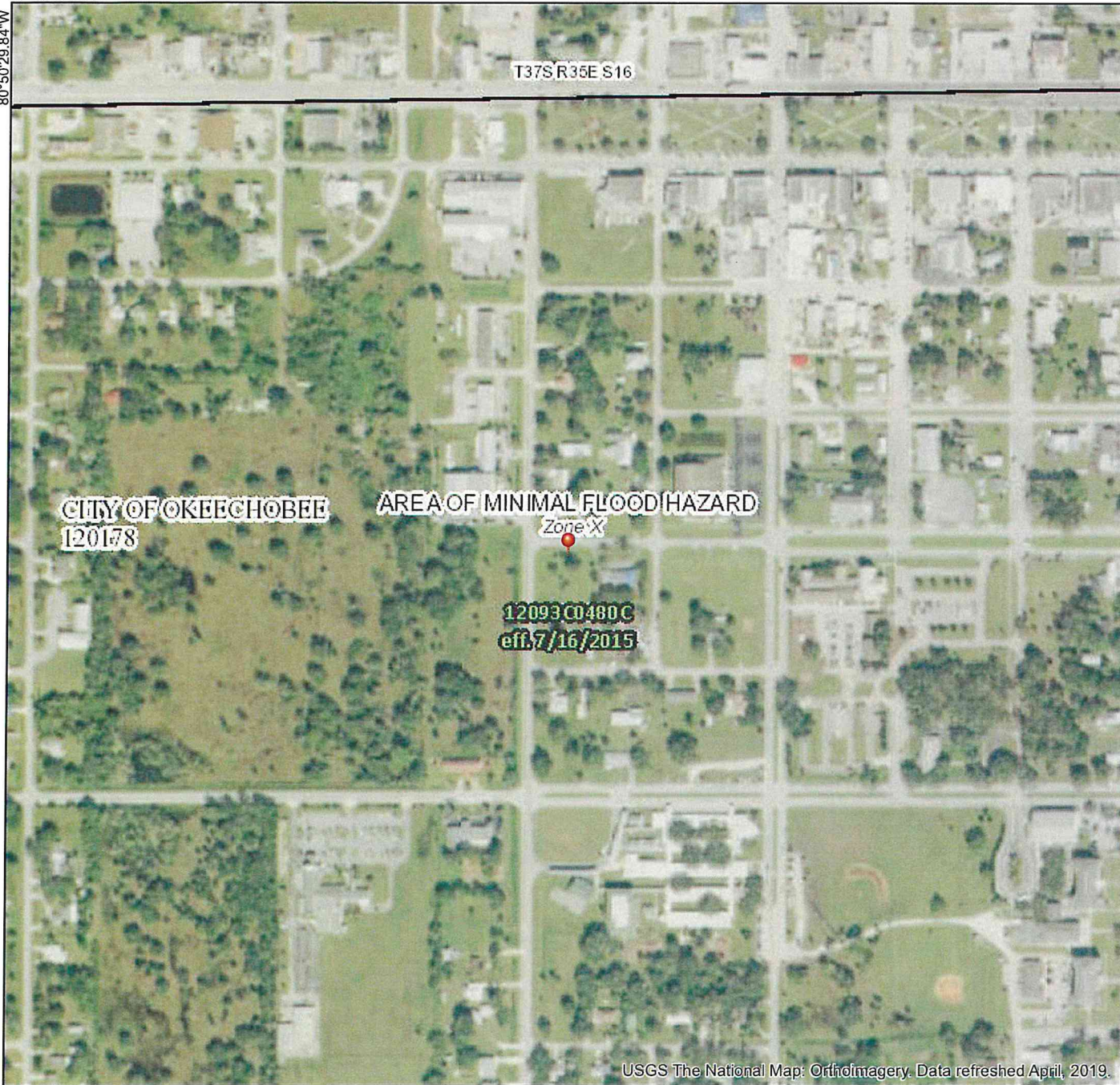
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
11	Immokalee fine sand, 0 to 2 percent slopes	0.7	17.8%
14	Myakka fine sand, 0 to 2 percent slopes	3.4	82.2%
<b>Totals for Area of Interest</b>		<b>4.1</b>	<b>100.0%</b>

# National Flood Hazard Layer FIRMette



27°14'40.03"N

80°50'29.84"W



0 250 500 1,000 1,500 2,000 Feet 1:6,000

27°14'8.05"N

80°49'52.38"W

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes, Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 12/17/2019 at 4:00:16 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

05

**Okeechobee County Property Appraiser**

Mickey L. Bandi

**2019 Certified Values**

updated: 1/2/2020

Parcel: << **3-15-37-35-0010-01910-0010** >>**Owner & Property Info**

Owner	SPRADLEY RUTH G & NEMEC GALE B %NEMEC CHILDREN'S TRUST 5243 EUROPA DR UNIT P BOYNTON BEACH, FL 334370000		
Site	SW 6TH ST, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE ALL BLOCK 191		
Area	0.409 AC	S/T/R	15-37-35
Use Code**	VACANT (000000)	Tax District	50

\*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.

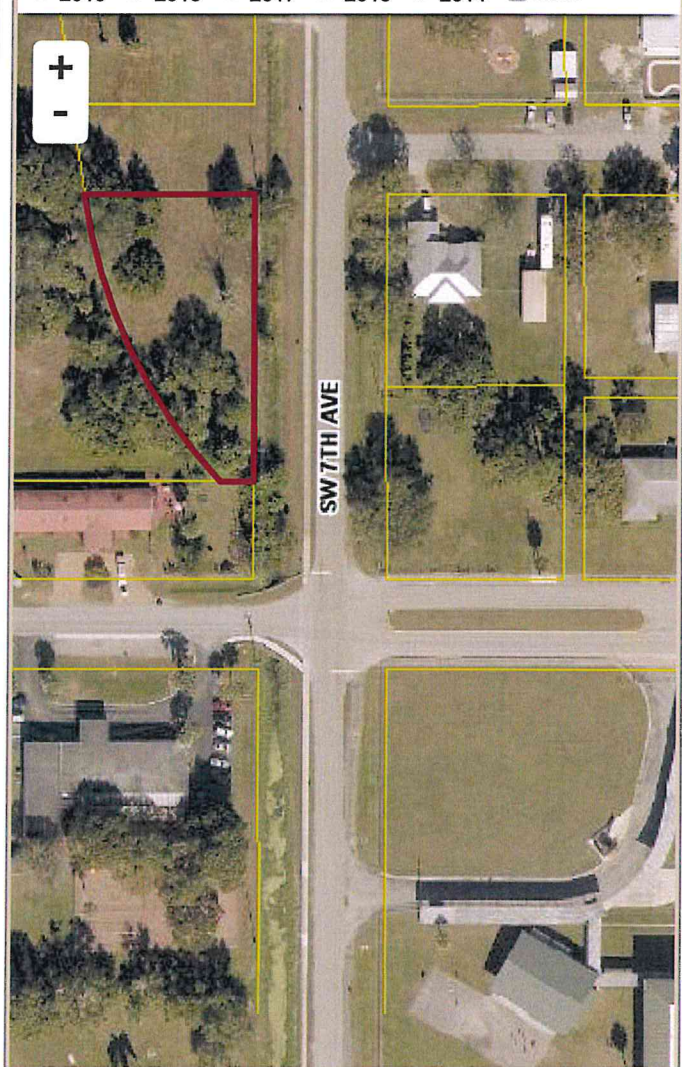
\*\*The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.

**Property & Assessment Values**

2018 Certified Values		2019 Certified Values	
Mkt Land (1)	\$25,087	Mkt Land (1)	\$25,087
Ag Land (0)	\$0	Ag Land (0)	\$0
Building (0)	\$0	Building (0)	\$0
XFOB (0)	\$0	XFOB (0)	\$0
Just	\$25,087	Just	\$25,087
Class	\$0	Class	\$0
Appraised	\$25,087	Appraised	\$25,087
SOH Cap [?]	\$0	SOH Cap [?]	\$0
Assessed	\$25,087	Assessed	\$25,087
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$25,087 city:\$25,087 other:\$25,087 school:\$25,087	Total Taxable	county:\$25,087 city:\$25,087 other:\$25,087 school:\$25,087

Note: Property ownership changes can cause the Assessed value of the property to reset to full Market value, which could result in higher property taxes.

Aerial Viewer Pictometry Google Maps

☒ 2019
 ☐ 2018
 ☐ 2017
 ☐ 2015
 ☐ 2014
 ☐ Sales
**▼ Sales History**

Sale Date	Sale Price	Book/Page	Deed	V/I	Quality (Codes)	RCode
8/1/1990	\$0	316/1436	WD	V	U	03

**▼ Building Characteristics**

Bldg Sketch	Bldg Item	Bldg Desc*	Year Blt	Base SF	Actual SF	Bldg Value
NONE						

**▼ Extra Features & Out Buildings (Codes)**

Code	Desc	Year Blt	Value	Units	Dims	Condition (% Good)
NONE						

**▼ Land Breakdown**

Land Code	Desc	Units	Adjustments	Eff Rate	Land Value
161CI2	CITY LT (MKT)	223.000 FF - (0.409 AC)	1.00/1.00 1.00/1.00	\$112	\$25,087

**Okeechobee County Property Appraiser**

Mickey L. Bandi

**2019 Certified Values**

updated: 1/2/2020

Parcel: << **3-15-37-35-0010-01900-0010** >>

Aerial Viewer Pictometry Google Maps

**Owner & Property Info**

Result: 1 of 3

Owner	SPRADLEY RUTH G & NEMEC GALE B %NEMEC CHILDREN'S TRUST 608 HARBOUR POINTE WAY GREENACRES, FL 334130000		
Site	SW 7TH AVE, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE LOTS 1 TO 6 INC BLOCK 190		
Area	0.86 AC	S/T/R	15-37-35
Use Code**	VACANT (000000)	Tax District	50

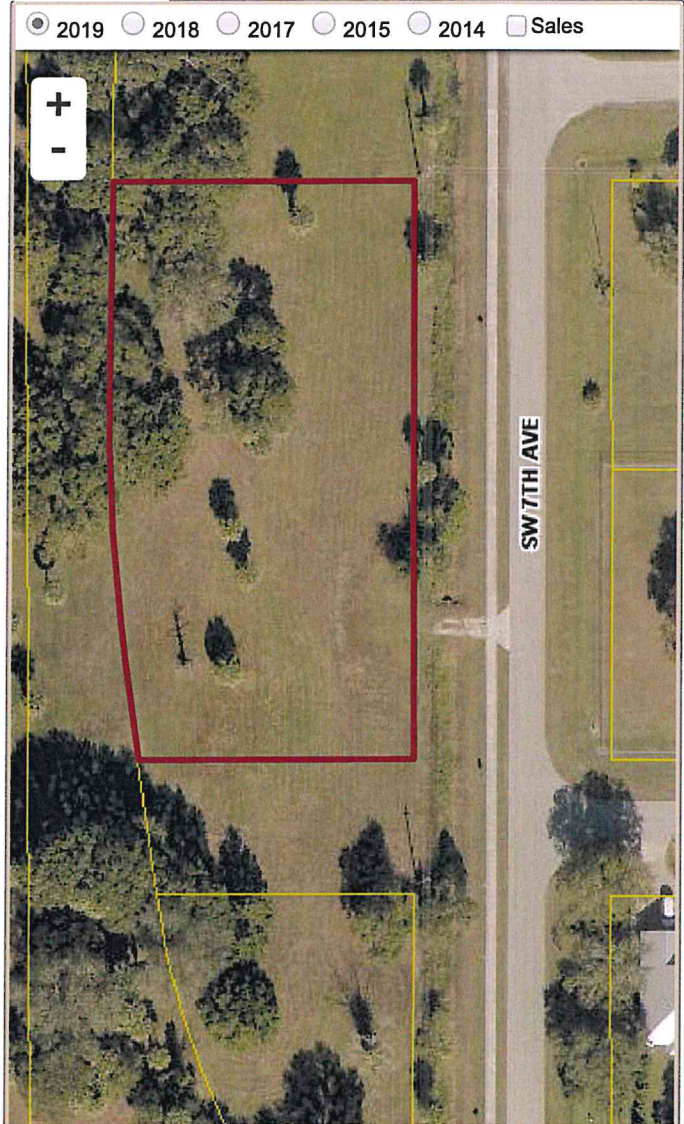
\*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.

\*\*The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.

**Property & Assessment Values**

2018 Certified Values		2019 Certified Values	
Mkt Land (1)	\$41,850	Mkt Land (1)	\$41,850
Ag Land (0)	\$0	Ag Land (0)	\$0
Building (0)	\$0	Building (0)	\$0
XFOB (0)	\$0	XFOB (0)	\$0
Just	\$41,850	Just	\$41,850
Class	\$0	Class	\$0
Appraised	\$41,850	Appraised	\$41,850
SOH Cap [?]	\$0	SOH Cap [?]	\$0
Assessed	\$41,850	Assessed	\$41,850
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$41,850 city:\$41,850 other:\$41,850 school:\$41,850	Total Taxable	county:\$41,850 city:\$41,850 other:\$41,850 school:\$41,850

Note: Property ownership changes can cause the Assessed value of the property to reset to full Market value, which could result in higher property taxes.

**▼ Sales History**

Sale Date	Sale Price	Book/Page	Deed	V/I	Quality (Codes)	RCode
8/1/1990	\$0	316/1436	WD	V	U	03
4/6/1964	\$0	80/0731	QC	V	U	03
2/18/1964	\$0	79/0499	QC	V	U	03
2/17/1964	\$0	79/0497	QC	V	U	03

**▼ Building Characteristics**

Bldg Sketch	Bldg Item	Bldg Desc*	Year Blt	Base SF	Actual SF	Bldg Value
NONE						

**▼ Extra Features & Out Buildings (Codes)**

Code	Desc	Year Blt	Value	Units	Dims	Condition (% Good)
NONE						

**▼ Land Breakdown**

Land Code	Desc	Units	Adjustments	Eff Rate	Land Value

161CI2	CITY LT (MKT)	300.000 FF - (0.860 AC)	1.00/1.00 1.00/1.00	\$140	\$41,850
Search Result: 1 of 3					
© Okeechobee County Property Appraiser   Mickey L. Bandi   Okeechobee, Florida   863-763-4422				by: GrizzlyLogic.com	

**Okeechobee County Property Appraiser**

Mickey L. Bandi

**2019 Certified Values**

updated: 1/2/2020

Parcel: << **3-21-37-35-0020-02510-0130** >>**Owner & Property Info**

Owner	SPRADLEY RUTH G & NEMEC GALE B %NEMEC CHILDREN'S TRUST 608 HARBOUR POINTE WAY GREENACRES, FL 334130000		
Site	SW 6TH ST, OKEECHOBEE		
Description*	THAT PORTION OF THE FLORIDA EAST COAST RAILWAY COMPANY RIGHT-OF-WAY, SINCE ABANDONED, AND OF NORTH CURVE STREET, SINCE ABANDONED, AS SHOWN ON PLAT OF FIRST ADDITION TO OKEECHOBEE, FLORIDA, AS RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF SAINT ...more>>>		
Area	1.6 AC	S/T/R	21-37-35
Use Code**	VACANT (000000)	Tax District	50

\*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.

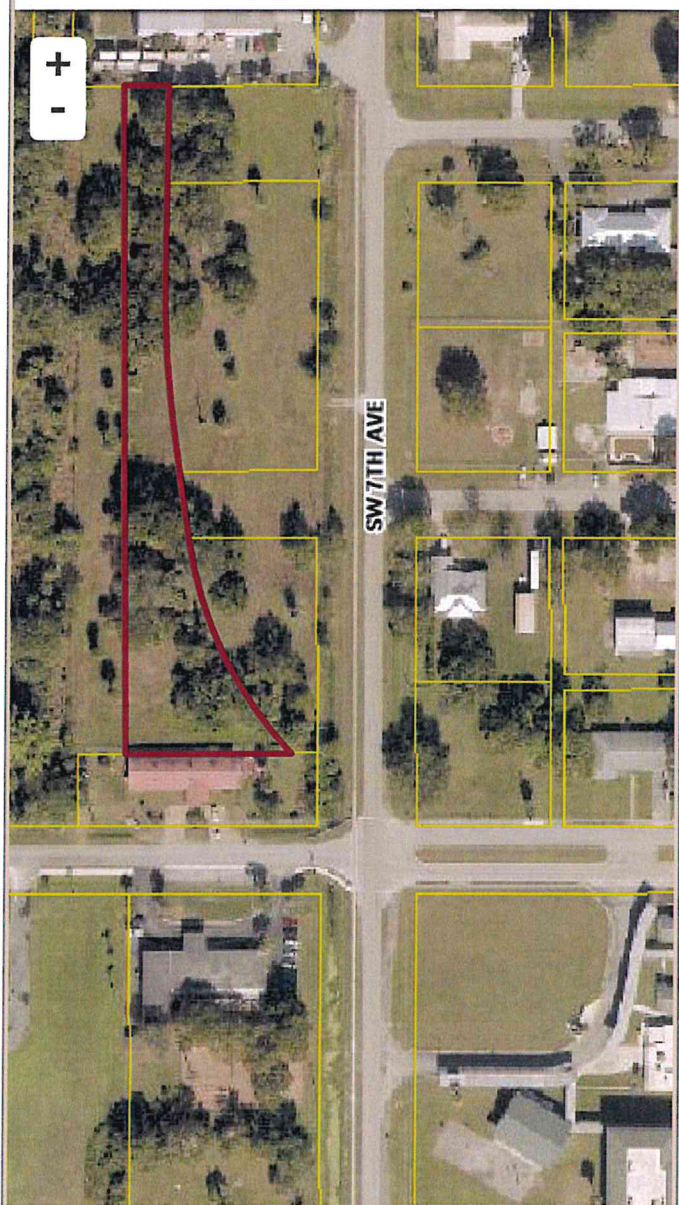
\*\*The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.

**Property & Assessment Values**

2018 Certified Values		2019 Certified Values	
Mkt Land (1)	\$15,600	Mkt Land (1)	\$16,800
Ag Land (0)	\$0	Ag Land (0)	\$0
Building (0)	\$0	Building (0)	\$0
XFOB (0)	\$0	XFOB (0)	\$0
Just	\$15,600	Just	\$16,800
Class	\$0	Class	\$0
Appraised	\$15,600	Appraised	\$16,800
SOH Cap [?]	\$0	SOH Cap [?]	\$0
Assessed	\$15,600	Assessed	\$16,800
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$15,600 city:\$15,600 other:\$15,600 school:\$15,600	Total Taxable	county:\$16,800 city:\$16,800 other:\$16,800 school:\$16,800

Note: Property ownership changes can cause the Assessed value of the property to reset to full Market value, which could result in higher property taxes.

Aerial Viewer Pictometry Google Maps

☒ 2019 
 ☐ 2018 
 ☐ 2017 
 ☐ 2015 
 ☐ 2014 
 ☐ Sales
**▼ Sales History**

Sale Date	Sale Price	Book/Page	Deed	V/I	Quality (Codes)	RCode
8/1/1990	\$0	316/1436	WD	V	U	03

**▼ Building Characteristics**

Bldg Sketch	Bldg Item	Bldg Desc*	Year Blt	Base SF	Actual SF	Bldg Value
NONE						

**▼ Extra Features & Out Buildings (Codes)**

Code	Desc	Year Blt	Value	Units	Dims	Condition (% Good)
NONE						

**▼ Land Breakdown**

Land Code	Desc	Units	Adjustments	Eff Rate	Land Value
-----------	------	-------	-------------	----------	------------

961CAC	NON/CONFG (MKT)	1.600 AC	1.00/1.00 1.00/0.75	\$10,500	\$16,800
© Okeechobee County Property Appraiser   Mickey L. Bandi   Okeechobee, Florida   863-763-4422					by: GrizzlyLogic.com



# **Staff Report Small Scale Comprehensive Plan Amendment**

*Prepared for:*        *The City of Okeechobee*  
*Applicant:*         *Neal Markus*  
                              *Loumax Development Inc*  
*Petition No.:*        *20-002-SSA*

## General Information

Applicant Owner	Neal Markus, Loumax Development Inc Ruth G. Spradley & Gale B. Nemec
Applicant Address	PO Box 5501, Fort Lauderdale, FL 33310
Applicant Email Address	njmarkus@gmail.com
Site Address	500-600 Block of SW 7 <sup>th</sup> Avenue
Parcel Identification	3-15-37-35-0010-01910-0010 3-15-37-35-0010-01900-0010, 3-21-37-35-0020-02510-0130
Contact Person	Steven L. Dobbs
Contact Phone Number	863.824.7644
Contact Email Address	sdobbs@stevedobbsengineering.com

## Request

The matter before the Local Planning Agency and City Council is an application for an amendment to the Future Land Use Map (FLUM) for three vacant parcels of land totaling 2.87 acres. Two parcels are designated Single Family and one parcel is designated Multi-Family Residential on the Future Land Use Map. The proposal is to change the Future Land Use designation of all three parcels to Industrial. The Applicant has submitted a concurrent request to rezone the same parcels from Multi-family to Industrial. The Applicant owns the industrial property to the north of these parcels and has stated that the reason for these requests is expansion of existing operations. According to the Applicant's representative, the current operations include manufacturing of compressed air canisters.

The current and proposed Future Land Use designations, zoning, existing use, and acreage of the subject property and surrounding properties are shown in the following tables and on the maps.

## Future Land Use, Zoning and Existing Use

	Existing	Proposed
Future Land Use	Single Family and Multi-Family Residential	Industrial
Zoning	Residential Multiple Family	Industrial
Use of Property	Vacant	Industrial
Acreage	2.87 acres	2.87 acres

### Future Land Use, Zoning, and Existing Use on Surrounding Properties

<b>North</b>	Future Land Use	Industrial
	Zoning	Industrial
	Existing Use	Loumax Development
<b>East</b>	Future Land Use	Single Family Residential
	Zoning	Residential Multiple Family
	Existing Use	Single Family Home and Vacant
<b>South</b>	Future Land Use	Multi-Family Residential
	Zoning	Residential Multiple Family
	Existing Use	Childcare Facility
<b>West</b>	Future Land Use	Multi-Family Residential
	Zoning	Residential Multiple Family
	Existing Use	Vacant and Pending Residential Apartment Complex

### General Analysis and Staff Comments

#### A. Qualification for Amendment

Based on the size of the property (2.87 acres) this application qualifies under Chapter 163, F.S. as a Small-Scale Development Activity Plan Amendment (SSA) to the Comprehensive Plan.

#### B. Current and Future Development Potential as Single-Family and Multi-family Residential

This request involves three vacant parcels of land with current Future Land Use designations as follows:

- 0.409 acres of single family residential
- 0.86 acres of single family residential
- 1.6 acres of multi-family residential

The maximum density allowable in the Single-Family Residential Future Land Use Category is four units per acre or five if the units qualify as affordable housing. With the affordable housing bonus, maximum development potential for 1.269 acres would be 6 single-family dwellings.

The maximum density allowable in the Multi-Family Residential Future Land Use Category is 10 units per acre or 11 if the units qualify as affordable housing. With the affordable housing bonus, maximum development potential for 1.6 acres would be 17 multi-family dwellings.

### C. Future Development Potential as Industrial

Policy 2.1(e) of the City's Future Land Use Element:

**Industrial.** Permitted uses include large-scale manufacturing or processing activities, business offices and schools, wholesaling and warehousing, public facilities, public utilities, limited retail and service uses, and off-site signs, limited agriculture, and accessory uses customary to permissible uses. Other uses related to and consistent with industrial development such as adult entertainment, salvage yards, fortunetellers, bulk storage of hazardous materials and manufacturing of chemical or leather products may be permissible under certain circumstances.

1. Industrial Development shall not exceed a floor area ratio of 3.00 and the maximum impervious surface for development within this category shall not exceed 85 percent of the site.
2. Zoning districts considered appropriate within this future land use category include only RH and Industrial (IND).

While the Industrial Future Land Use category allows for a maximum FAR of 3.0, the Industrial zoning district only allows a maximum building coverage of 50% and a maximum building height of 45 feet (without a special use exception). These limitations allow for a potential four story structure, a maximum FAR of 2.0 and a theoretical maximum floor area of approximately 250,000 square feet on 2.87 acres. However, given that a 4 story industrial structure is not likely, it may be more practical to expect a one or two story structure if this map change is approved. A one story structure occupying 50% of 2.87 acres would be about 62,500 square feet of floor area and a two story structure with the same footprint would have about 125,000 square feet of floor area. It is important to note that the applicant has not submitted any proposed plans or provided any comments regarding the potential development of the property, other than the stated desire to expand operations of the existing industrial use to the north of these subject parcels.

## Comprehensive Plan Analysis

### A. Consistency and Compatibility with Comprehensive Plan and Adjacent Uses.

Policy 2.2 of the Future Land Use Element recommends that the City protect the use and value of private property from adverse impacts of incompatible land uses, activities and hazards.

Objective 12 of the Future Land Use Element states that the City of Okeechobee shall encourage compatibility with adjacent uses, and curtailment of uses inconsistent with the character and land uses of surrounding areas and shall discourage urban sprawl.

The property to the north of these parcels is industrial but the remainder of the surrounding properties hold residential designations on the City's Future Land Use Map and the City's Zoning Map. While much of the directly adjacent land is vacant, there exists one single family residence and a preschool across SW 7<sup>th</sup> Ave from these parcels. Other single family residences exist nearby and a new multi-family apartment project has been approved nearby as well.

The Applicant currently owns and operates a 1.6 acre industrial site to the north of these

subject parcels, which is one of only a few properties with an industrial future land use designation south of Park Street in the City. Besides the Applicant's existing site, there is an additional 2.5 acres of industrial to the north, 0.5 acres of industrially designated property on SW Park Street and a 3 acre property on SE 10<sup>th</sup> Street. The Applicant's requested future land use map changes represent a 37% increase in Industrial future land use south of Park Street in the City.

From a planning perspective, expansion of the Industrial Future Land Use in this area would be out of character and likely incompatible with the predominantly residential nature of the surrounding neighborhood.

## **B. Adequacy of Public Facilities**

### Traffic Impacts

The applicant has provided a traffic analysis that estimates the requested map changes from single family residential to industrial and multi-family residential to industrial on these parcels would result in an increase in 1,144 potential daily vehicle trips and 166 potential peak hour vehicle trips. We agree with this analysis.

In addition to the consideration of total vehicle trips, it is also important to consider that an industrial use is likely to generate more heavy truck traffic than residential uses.

If these map changes are approved and a site plan for development of these parcels were to be submitted, it would be necessary to provide additional assessment of the impact of traffic on the adjacent streets and properties at the time of site plan approval.

### Demand for Potable Water, Sewer Treatment and Solid Waste Disposal

The applicant has provided an analysis on the potential change in demand for potable water and sewer services if these map changes are approved. That analysis indicates an increase of 21,855 gallons per day. We agree with this analysis.

The Applicant's submission includes letters from the Okeechobee Utility Authority and Waste Management indicating that there is adequate excess capacity to accommodate the demand for potable water, wastewater treatment and solid waste disposal that would be associated with a proposed industrial use.

## **C. Environmental Impacts**

The subject property is within the zone X, indicating a minimal flood risk. We agree with the applicant's statements that the site has no significant or unique characteristics regarding environmental sensitivity, wetlands, wildlife habitat, endangered species, soil conditions or susceptibility to flooding.

## Recommendation

Based on the foregoing analysis, we find the requested Industrial Future Land Use Designation for the subject property to be inconsistent with the character of the neighborhood and likely incompatible with the surrounding land uses. Therefore, we find this request inconsistent with the City's Comprehensive Plan. We **cannot** recommend approval of the Applicant's request to amend the Comprehensive Plan to designate the subject property as Industrial on the City's Future Land Use Map.

Submitted by:



Ben Smith, AICP  
Sr. Planner

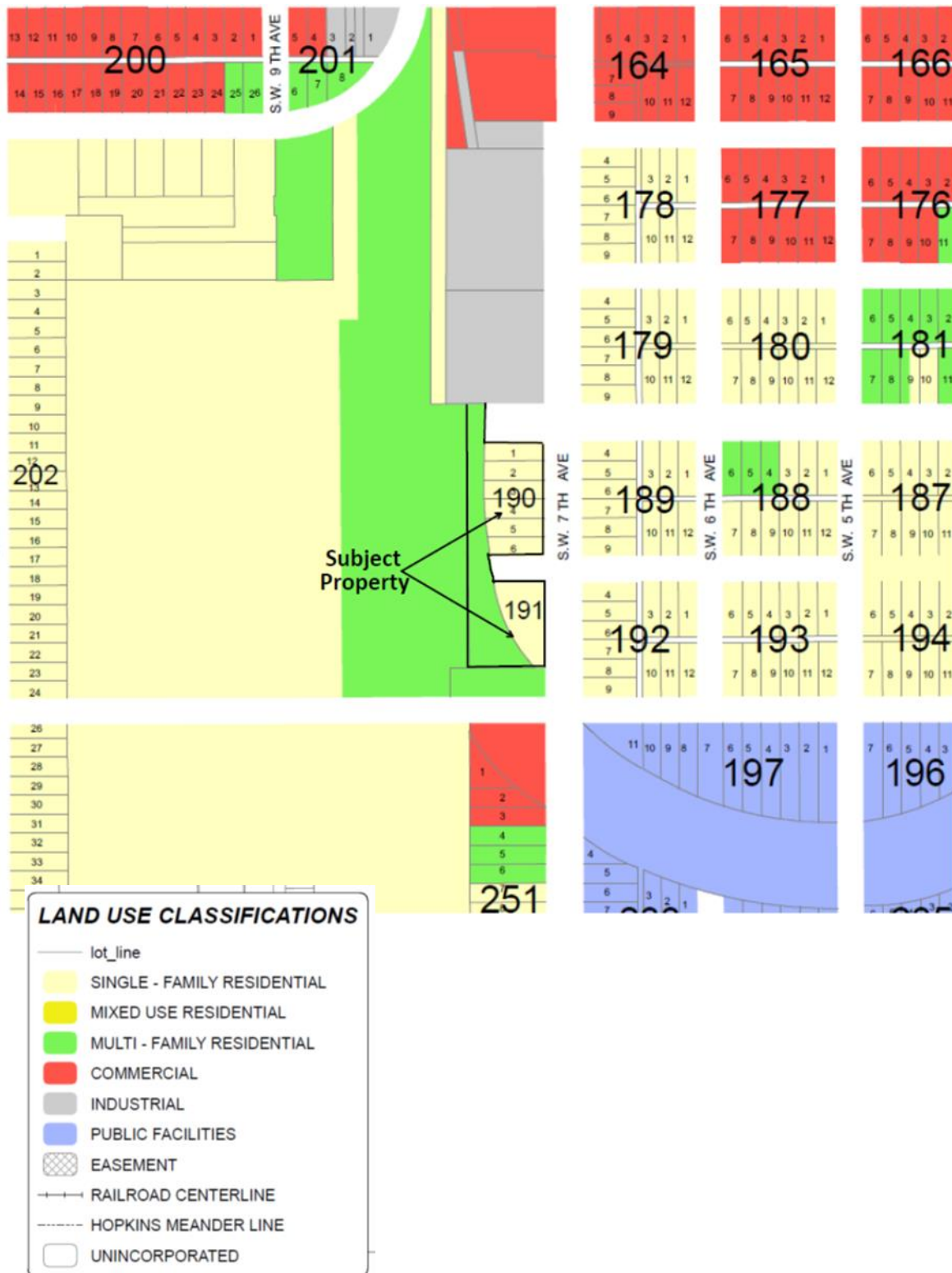
February 11, 2020

Planning Board Public Hearing: February 20, 2020

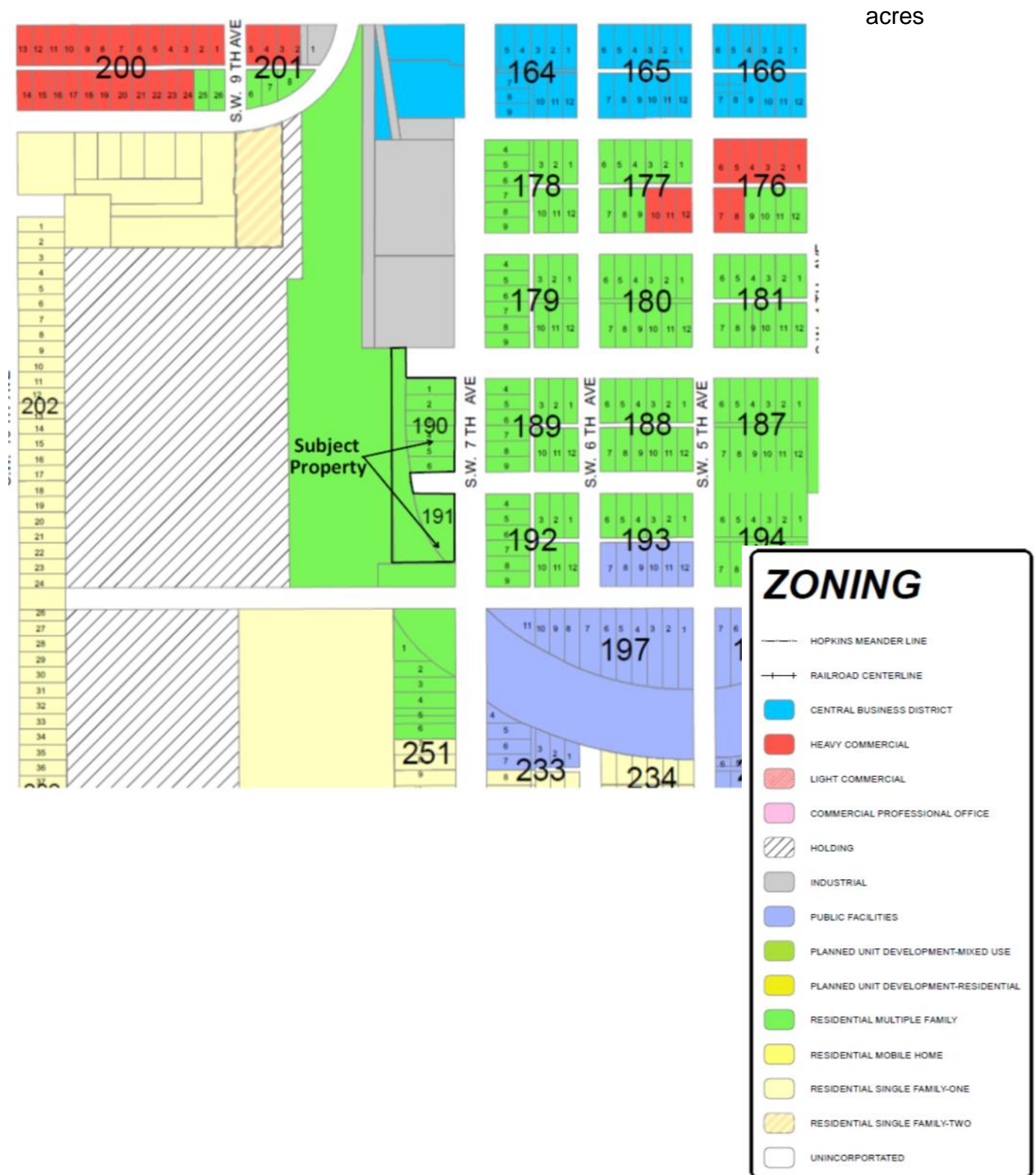
City Council Public Hearing: (tentative) March 17, 2020

Attachments:   Future Land Use, Subject Site & Environs  
                      Zoning, Subject Site & Environs  
                      Existing Land Use Aerial, Subject Site & Environs

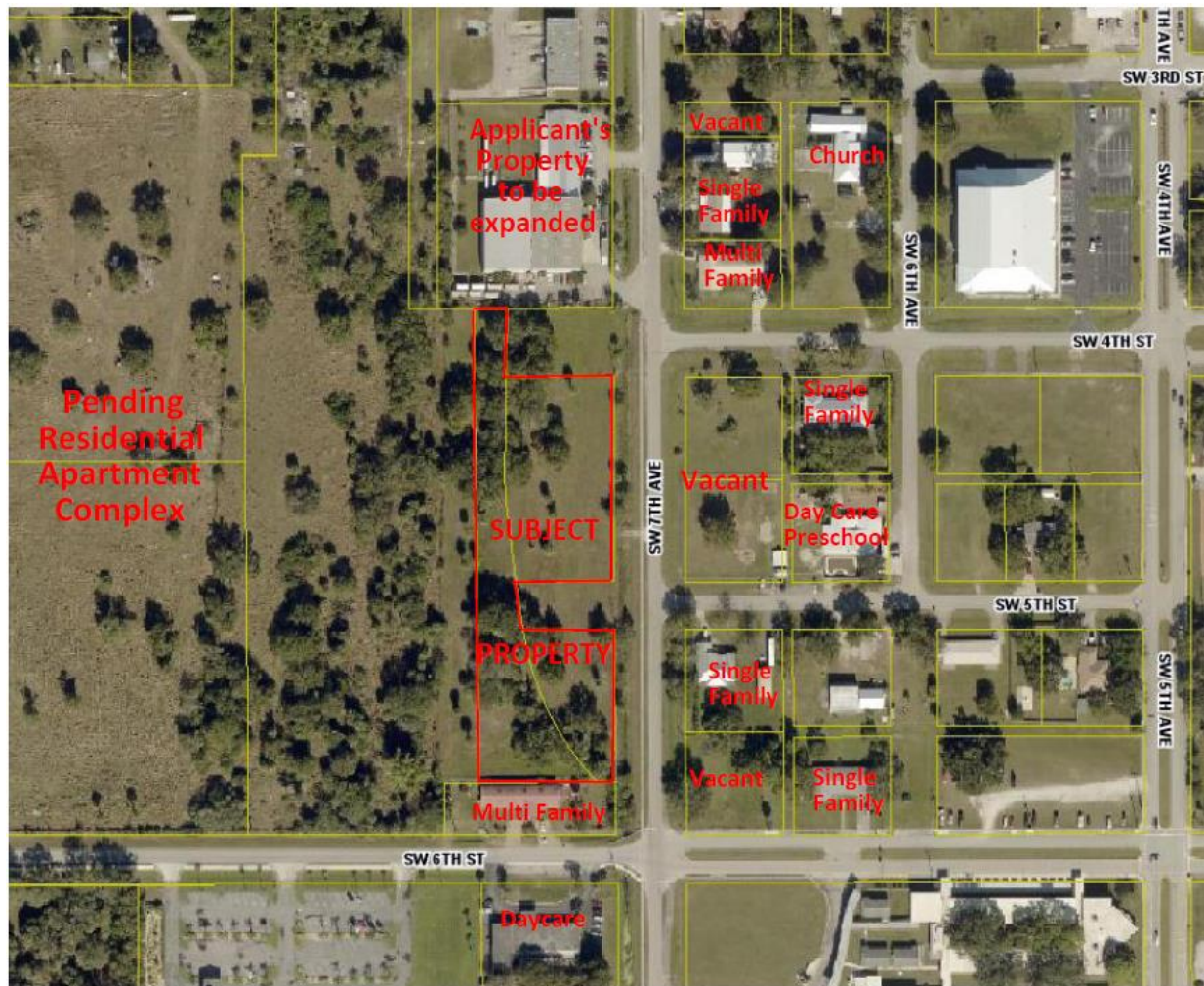
FUTURE LAND USE  
SUBJECT SITE AND ENVIRONS



# ZONING SUBJECT SITE AND ENVIRONS



EXISTING LAND USE  
AERIAL OF SUBJECT SITE AND ENVIRONS



**To:** City of Okeechobee City Council

**Date:** June 16, 2020

**Subject:** **City of Okeechobee**  
**Overview and Discussion of Draft Economic Development Strategy and Disaster Resiliency Plan**  
**Overview and Discussion of Implementation Strategies**

**Background**

- The City of Okeechobee has received the following two grant awards from the Florida Department of Economic Opportunity (DEO) Fiscal Year 2019-2020.
  - Competitive Florida Partnership Grant to prepare an Economic Development Strategy and Disaster Resiliency Plan.
    - On June 16, 2020, the Central Florida Regional Planning Council (CFRPC) will present an overview of the Okeechobee Economic Development Strategy and Disaster Resiliency Plan to the Okeechobee City Council.
    - The goals of the plan are provided online along opportunities for public comment at [www.cfrpc.org/okeechobee-florida](http://www.cfrpc.org/okeechobee-florida).
  - Community Planning Technical Assistance Grant to draft amendments to the City's Comprehensive Plan and Land Development Code to implement the Economic Development Strategy and Disaster Resiliency Plan.
    - On June 16, 2020, the CFRPC will present implementation strategies to the Okeechobee City Council.

**Attachment:**

**Goals of the Draft Economic Development Strategy and Disaster Resiliency Plan**



## An Economic Development & Disaster Resiliency Plan

*DRAFT – April 30, 2020*

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Prepared by  
*Central Florida Regional Planning Council*

Prepared for  
*City of Okeechobee, Florida*



Let's  
**Look Forward**  
Okeechobee!

[www.cfrpc.org/  
okeechobee-florida](http://www.cfrpc.org/okeechobee-florida)

# Project Website

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## Let's Look Forward Okeechobee!

The City of Okeechobee was one of the six Florida communities awarded the Competitive Florida Partnership Grant by the Florida Department of Economic Opportunity (DEO). The Competitive Florida Partnership Program provides grant awards to communities to fund the creation of a strategic economic plan that promotes community design, economic diversity, economic viability and disaster resiliency. The program also offers a committed partnership with DEO to provide technical assistance to help Florida communities find creative solutions to foster vibrant, healthy and resilient communities.

Goal

 Download The Virtual Workshop Flyer

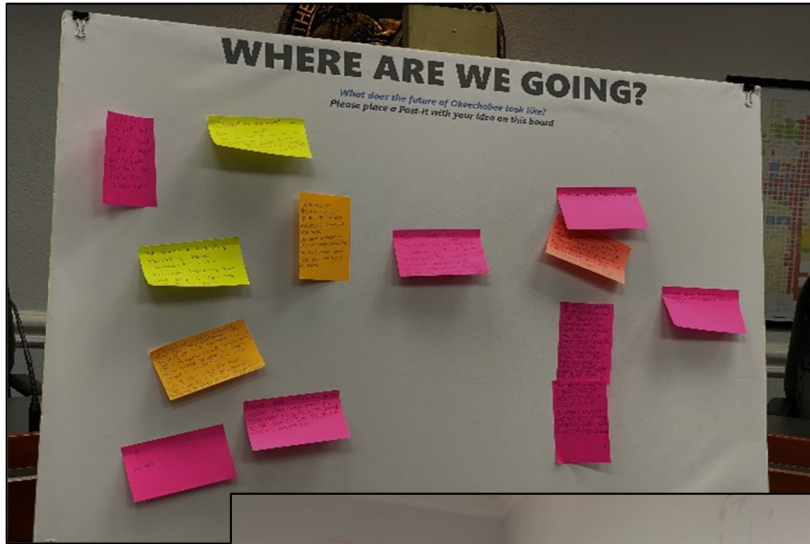
 Read The Proposed Plan

[www.cfrpc.org/  
okeechobee-florida](http://www.cfrpc.org/okeechobee-florida)

*The project website allows for the public to review and provide comments regarding the Draft Economic Development Strategy and Disaster Resiliency Plan.*

# Community Conversations

The Community says...



# What is Okeechobee's Top Asset?

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- **Lake Okeechobee** – recreational opportunities for residents and visitors.
- **Location** – proximity to major cities and roadways.
- **Quaint Small town** – close knit community and rural lifestyle with so much to offer.
- **Available land** – room for growth and development.
- **Agriculture** – a supportive agribusiness community.

## *Let's Look Forward Okeechobee!*

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**Strengthen and grow a resilient  
Okeechobee economy while improving the  
quality of life for all citizens.**

# *Let's Look Forward Okeechobee!*

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## ***GOAL 1: SUPPORT AND EXPAND OPPORTUNITIES FOR EXISTING LOCAL & NEW BUSINESSES***

- A. Establish & expand **partnerships between local business community & community/civic organizations** to support the City's economic development efforts.
- B. Investigate **funding opportunities** to assist new & existing local businesses.
- C. Develop **social media campaigns & community events** highlighting local businesses.
- D. Increase **collaboration** with local, county, & regional economic development organizations, Main Street Programs, Chambers of Commerce, CareerSource, the CFRPC and other Stakeholder organizations.
- E. Collaborate with traditional & new **partners** to bring new businesses to the City.
- F. Investigate **incentive opportunities** for new businesses & retention of existing businesses.

# *Let's Look Forward Okeechobee!*

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## ***GOAL 1: SUPPORT AND EXPAND OPPORTUNITIES FOR EXISTING LOCAL AND NEW BUSINESSES***

- G. Promote the availability and use of the **business incubator program** at Indian River State College.
- H. Develop & implement a **citywide marketing plan** to encourage existing businesses to invest in expansions and to attract new businesses.
- J. **Coordinate** with FDOT, HRTPO, & other agencies to expand & enhance the transportation network in Okeechobee to provide improved access to commercial and industrial locations.
- K. Maintain **an inventory of developable industrial land**, free of significant development constraints to accommodate new development.

# Let's Look Forward Okeechobee!

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## ***GOAL 2: SUPPORT OPPORTUNITIES FOR THE FUTURE WORKFORCE***

- A. Increase **support** for stronger K-12 education, vocational programs, workforce training & retraining, higher education, & other programs to meet needs of businesses, employees, & residents.
- B. **Develop & maintain partnership** with Indian River State College, CareerSource, & local businesses to implement job and education fairs.
- C. **Encourage partnerships** with local businesses can CareerSource to develop and implement training and internship programs.
- D. Encourage **development of a mix of housing types** to meet the needs of the community's workforce. Implement regular communication and collaboration with representatives of educational institutions and workforce development organizations.

# *Let's Look Forward Okeechobee!*

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## ***GOAL 3: SUPPORT OKEECHOBEE'S OUTDOOR ADVENTURE AND HISTORIC TOURISM***

- A. Consider formation of a **Special Events Committee** to develop new community events and promote existing events.
- B. Create a **package of events** like: Bass fishing tournament, Bird watching, BBQ competition, and other events on Lake Okeechobee.
- C. Investigate possibilities for **repurposing buildings in downtown**.
- D. Create a **Historic Downtown Map** to be linked to various websites and historical forums for use by visitors and residents.
- E. Use the **city's murals and Florida Story Map** to encourage visitors to explore Okeechobee.

# *Let's Look Forward Okeechobee!*

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## ***GOAL 3: SUPPORT OKEECHOBEE'S OUTDOOR ADVENTURE AND HISTORIC TOURISM***

F. **Coordinate with Visit Central Florida** and develop a video storytelling of Okeechobee.

G. **Market and publicize special events and recreational opportunities** through social media platforms and the City website as well as stakeholder and partner websites and social media pages.

H. Consider using Florida Story to create a walking tour of downtown.

I. Develop **wayfinding or locational signage** for areas of interest.

# *Let's Look Forward Okeechobee!*

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## ***GOAL 4: SUPPORT QUALITY OF LIFE***

- A. Support & maintain recreational amenities, areas, and opportunities including walkable neighborhoods, playgrounds, and parks.
- B. Encourage new development that includes aesthetic quality and safety features.
- C. Consider creation of a Revitalization Committee to address property maintenance and improvements and effective code enforcement policies.
- D. Encourage development of affordable housing options.
- E. Partner with economic development and other organizations to promote City amenities, events, recreational opportunities, and downtown businesses.

# *Let's Look Forward Okeechobee!*

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## ***GOAL 5: CELEBRATE LAKE OKEECHOBEE BY PROMOTING OKEECHOBEE AS A DESTINATION LOCATION***

- A. Promote Ecotourism.
- B. Promote **existing events and create new special events** in the City.
- C. Implement branding.
- D. Partner with Visit Florida and Destination Lake Okeechobee to promote the City of Okeechobee.

# *Let's Look Forward Okeechobee!*

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## ***GOAL 6: FUND STRATEGIC PUBLIC INVESTMENT***

- A. **Ensure and evaluate availability of infrastructure** to support new businesses.
- B. Continue **communication and coordination** with the state and federal agencies for new updates and opportunities.
- C. Review **sidewalk network and parking challenges**.
- D. Explore grant funding opportunities for capital infrastructure improvements.
- E. Support the FDOT “**Complete Streets**” and “**Context Classification**” programs to improve roadway conditions serving properties along the corridors.

# Let's Look Forward Okeechobee!

## ***GOAL 7: EMPHASIZE STRATEGIES THE CITY & ITS PARTNERS WILL TAKE TO ENSURE THAT OKEECHOBEE IS EQUIPPED TO ADDRESS CURRENT AND FUTURE CHALLENGES***

- A. **Educate & engage residents** about risk reduction & preparedness so they can be self-sufficient for at least 7 to 14 days after a major event.
- B. Develop **additional pathways to employment** and the delivery of financial tools to support our most vulnerable residents.
- C. Cultivate leadership, stewardship, and equity with **young residents**.
- D. Reduce health and wellness disparities across neighborhoods.
- E. Equip government with technology and data to increase situational awareness and expedite post-disaster recovery.
- F. Grow public, private, and philanthropic partnerships increasing resources **dedicated to building resilience**.

# Project Information: [www.cfrpc.org/okeechobee-florida](http://www.cfrpc.org/okeechobee-florida)

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Marcos Montes De Oca, P.E., City Administrator

**City of Okeechobee**

Phone: (863) 763-3372 x 9812

Email: [marcos@cityofokeechobee.com](mailto:marcos@cityofokeechobee.com)



Jennifer Codo-Salisbury

**Central Florida Regional Planning Council**

Phone: (863) 2534-7130 ext. 178

[jcodosalisbury@cfrp.org](mailto:jcodosalisbury@cfrp.org)

## **ORDINANCE NO. 1213**

**AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF OKEECHOBEE BY REZONING CERTAIN TRACTS OF LAND MORE PARTICULARLY DESCRIBED HEREIN, FROM RESIDENTIAL MULTIPLE-FAMILY TO INDUSTRIAL ZONING DISTRICT (PETITION NO. 20-001-R); AMENDING THE ZONING MAP ACCORDINGLY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council for the City of Okeechobee, Florida has adopted Ordinance No. 402 in which a revised Official Zoning Map was adopted for said City; and

**WHEREAS**, Loumax Development Inc., on behalf of the property owner Nemec Children's Trust, has heretofore filed Petition No. 20-001-R, pursuant to the Land Development Regulations of the City of Okeechobee for the purpose of rezoning certain tracts of land consisting of approximately 2.87 acres from Residential Multiple-Family to Industrial; and

**WHEREAS**, said Petition was reviewed by the City's Planning Consultant who determined, based on initial findings and review provided by the Applicant, that such Petition is inconsistent with the Comprehensive Plan; and

**WHEREAS**, said Petition being reviewed by the City's Planning Board at a duly advertised Public Hearing initially held on February 20, 2020, and at the request of the Applicant, deferred to March 19, 2020, deferred to April 16, 2020, and deferred to May 21, 2020, determined that such Petition is inconsistent with the Comprehensive Plan; and

**WHEREAS**, the City Council disagreed with the recommendation of the Planning Board and hereby finds such Petition No. 20-001-R to be consistent with the City's Comprehensive Plan and deems it in the best interest of the inhabitants of said City to amend aforesaid revised Zoning Map as hereinafter set forth.

**NOW, THEREFORE**, be it ordained before the City Council of the City of Okeechobee, Florida; presented at a duly advertised public meeting; and passed by majority vote of the City Council; and properly executed by the Mayor or designee, as Chief Presiding Officer for the City; that:

### **SECTION 1:     LEGAL DESCRIPTION.**

The following described land consisting of approximately 2.87 acres, as the subject property, located in the City of Okeechobee, to-wit:

**ALL OF BLOCKS 190 AND 191, OKEECHOBEE, PLAT BOOK 5, PAGE 5 PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA; together with**

**A PORTION OF THE FLORIDA EAST COAST RAILWAY COMPANY RIGHT-OF-WAY, SINCE ABANDONED, AND OF NORTH CURVE STREET, SINCE ABANDONED, AS SHOWN ON PLAT OF FIRST ADDITION TO OKEECHOBEE, FLORIDA, AS RECORDED IN PLAT BOOK 5, PAGE 6, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF SOUTHWEST 6TH STREET WITH THE WEST RIGHT-OF-WAY OF SOUTHWEST 7TH AVENUE; THENCE NORTH 00°08'53" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID SOUTHWEST 7TH AVENUE, A DISTANCE OF 76.17 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°49'42" WEST, A DISTANCE OF 199.99 FEET TO THE INTERSECTION WITH THE NORTHERLY EXTENSION OF THE WEST LINE OF BLOCK 251 OF SAID PLAT OF FIRST ADDITION TO OKEECHOBEE; THENCE NORTH 00°08'48" WEST ALONG SAID NORTHERLY EXTENSION, A DISTANCE OF 693.57 FEET TO THE INTERSECTION WITH THE WESTERLY EXTENSION OF THE NORTH RIGHT-OF-WAY LINE OF SOUTHWEST 4TH STREET; THENCE NORTH 89°47'29" EAST ALONG SAID WESTERLY EXTENSION, A DISTANCE OF 60.00 FEET TO THE NORTHWEST CORNER OF SOUTHWEST 4TH STREET; THENCE SOUTH 00°08'48" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF SOUTHWEST 4TH STREET, A DISTANCE OF 100.00 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 190, OKEECHOBEE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE 5, OF THE PUBLIC RECORDS OF OKEECHOBEE**

COUNTY, FLORIDA, SAID POINT BEING A POINT OF CURVATURE OF A CURVE TO THE LEFT AND HAVING FOR ITS ELEMENTS, A CENTRAL ANGLE OF 27°36'08 AND A RADIUS OF 1230.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 592.55 FEET TO THE SOUTHEAST CORNER OF BLOCK 191 OF SAID PLAT OF OKEECHOBEE; THENCE SOUTH 00°08'53" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID SOUTHWEST 7TH AVENUE, A DISTANCE OF 23.65 FEET TO THE POINT OF BEGINNING.

**SECTION 2:     ZONING MAP AMENDMENT.**

That the aforesaid Revised Zoning Map of the City of Okeechobee be amended to reflect the subject property to be changed from Residential Multiple-Family to Industrial.

**SECTION 3:     CONFLICT.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4:     SEVERABILITY.**

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

**SECTION 5:     EFFECTIVE DATE.**

This Ordinance shall become effective thirty-one (31) days after its adoption if the associated Comprehensive Plan Amendment (20-002-SSA) is adopted and not timely challenged. If the Comprehensive Plan is timely challenged, this ordinance shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining the Comprehensive Plan Amendment to be in compliance.

**INTRODUCED** for First Reading and set for Final Public Hearing on this **16<sup>th</sup>** day of **June**, **2020**.

**ATTEST:**

\_\_\_\_\_  
Lane Gamiotea, CMC, City Clerk

\_\_\_\_\_  
Dowling R. Watford, Jr., Mayor

**PASSED AND ADOPTED** after Second and Final Public Hearing this **7<sup>th</sup>** day of **July**, **2020**.

**ATTEST:**

\_\_\_\_\_  
Lane Gamiotea, CMC, City Clerk

\_\_\_\_\_  
Dowling R. Watford, Jr., Mayor

**REVIEWED FOR LEGAL SUFFICIENCY:**

\_\_\_\_\_  
John J. Fumero, City Attorney

<b>City of Okeechobee</b> <b>General Services Department</b> <b>55 S.E. 3<sup>rd</sup> Avenue, Room 101</b> <b>Okeechobee, Florida 34974-2903</b> <b>Phone: (863) 763-3372, ext. 9820</b> <b>Fax: (863) 763-1686</b>		Date: 1-6-20	Petition No. 20-001-R
		Fee Paid:	Jurisdiction: PB+CC
		1 <sup>st</sup> Hearing: 2-20-20	2 <sup>nd</sup> Hearing: 3-17-20 /
		Publication Dates:	
		Notices Mailed: 2-5-20	
<b>Rezone, Special Exception and Variance</b> <i>Ruth G. Spradley + Gale B. Neme</i> <b>APPLICANT INFORMATION</b>			
1	Name of property owner(s): NEMEC CHILDRENS TRUST		
2	Owner mailing address: 5243 EUROPA DRIVE, UNIT P, BOYNTON BEACH, FL 33437		
3	Name of applicant(s) if other than owner: NEAL MARKUS		
4	Applicant mailing address: P.O. BOX 5501, FT. LAUDERDALE, FL 33310		
	E-mail address: NJMARKUS@GMAIL.COM		
5	Name of contact person (state relationship): STEVEN L DOBBS - CONSULTANT		
6	Contact person daytime phone(s): 863-824-7644		
<b>PROPERTY INFORMATION</b>			
7	Property address/directions to property: 500 - 600 BLOCK OF SW 7TH AVENUE STATE ROAD 70 WEST, TURN SOUTH ONTO SW 7TH AVENUE PARCEL IS APPROXIMATELY 1,400 FT TO THE RIGHT		
8	Describe current use of property: VACANT		
9	Describe improvements on property (number/type buildings, dwelling units, occupied or vacant, etc.) VACANT Source of potable water: OUA Method of sewage disposal: OUA		
10	Approx. acreage: 2.87 ✓ Is property in a platted subdivision? YES		
11	Is there a use on the property that is or was in violation of a city or county ordinance? If so, describe: NO		
12	Is a pending sale of the property subject to this application being granted? YES		
13	Describe uses on adjoining property to the North: North: INDUSTRIAL East: SINGLE FAMILY South: CHILD-CARE Multi-Family West: VACANT SF		
14	Existing zoning: MULTI FAMILY RESIDENTIAL Future Land Use classification: RESIDENTIAL & MULTI		
15	Have there been any prior rezoning, special exception, variance, or site plan approvals on the property? (X) No ( ) Yes. If yes provide date, petition number and nature of approval. RMF FAMILY RESIDENTIAL		
16	Request is for: (X) Rezone ( ) Special Exception ( ) Variance		
17	Parcel Identification Number: 3-15-37-35-0010-01910-0010, 3-21-37-35-0020-02510-0130 ✓ 3-15-37-35-0010-01900-0010 ✓		

## REQUIRED ATTACHMENTS

✓ 18	Applicant's statement of interest in property: CONTRACT PURCHASER
✓ 19	Non-refundable application fee: Rezoning: \$850 plus \$30/acre; Special Exception: \$500 plus \$30/acre; Variance: \$500 <b>Note: Resolution No. 98-11 Schedule of Land Development Regulation Fees and Charges B</b> <b>When the cost for advertising publishing and mailing notices of public hearings exceeds the established fee, or when a professional consultant is hired to advise the city on the application, the applicant shall pay the actual costs.</b>
✓ 20	Last recorded warranty deed: 08/01/1990
✓ 21	Notarized letter of consent from property owner (if applicant is different from property owner)
✓ 22	Three property surveys (one no larger than 11x17) containing: a. Certified boundary survey, date of survey, surveyor's name, address and phone number b. Legal description of property pertaining to the application c. Computation of total acreage to nearest tenth of an acre
✓ 23	List of surrounding property owners with addresses and location sketch of the subject property. See the Information Request Form from the Okeechobee Property Appraiser's Office (attached)
24	Affidavit attesting to completeness and correctness of the list (attached)
25	Completed specific application and checklist sheet for each request checked in line 15

### Confirmation of Information Accuracy

I hereby certify that the information in this application is correct. The information included in this application is for use by the City of Okeechobee in processing my request. False or misleading information may be punishable by a fine of up to \$500.00 and imprisonment of up to 30 days and may result in the denial of this application.

Signature



Printed Name

NEAL MARKUS

Date

12/19/19.

**For questions relating to this application packet, call General Services Dept. at (863)-763-3372, Ext. 9820**

**Loumax Development, Inc.**

**(Description of requested land use change and reason for request)**

Loumax Development, Inc. has a contract to purchase approximately 2.87 acres located in Sections 15 and 21, Township 37S, and Range 35E. The property's parcel IDs are 3-15-37-35-0010-01910-0010, 3-21-37-35-0020-02510-0130, 3-15-37-35-0010-01900-0010. It is currently located in the City of Okeechobee with a current zoning of Residential Multiple Family.

The primary intent of rezoning this parcel is to change the zoning to Industrial. The proposed zoning is consistent with adjacent lands at this location surrounded by industrial, single family, churches, and other multifamily lands.

This application is for the City to grant a zoning on this parcel from the existing Residential Multiple Family to Industrial. There is adequate access to the property from SW 7<sup>th</sup> Avenue.

Loumax Development, Inc. requests that the Planning Board recommend to the City Council to grant the request to zone this parcel of land to Industrial.

ADDITIONAL INFORMATION REQUIRED FOR A <b>REZONING</b>	
<b>A</b>	Current zoning classification: RES. MULTI FAM Requested zoning classification: INDUSTRIAL
<b>B</b>	Describe the desired permitted use and intended nature of activities and development of the property? EXPAND EXISTING INDUSTRIAL FACILITY TO THE NORTH
<b>C</b>	Is a Special Exception necessary for your intended use? ( <u>X</u> ) No ( <u>  </u> ) Yes If yes, briefly describe:
<b>D</b>	Is a Variance necessary for your intended use? ( <u>X</u> ) No ( <u>  </u> ) Yes If yes, briefly describe:
<b>E</b>	Attach a Traffic Impact Study prepared by a professional transportation planner or transportation engineer, if the rezoning or proposed use will generate 100 or more peak hour vehicle trip ends using the trip generation factors for the most similar use as contained in the Institute of Transportation Engineers most recent edition of <u>Trip Generation</u> . The TIA must identify the number of net new external trips, pass-bay calculations, internal capture calculations, a.m. and p.m. peak hour trips and level of service on all adjacent roadway links with and without the project.
<b>F</b>	Responses addressing the required findings for granting a rezoning or change in Land Development Regulations as described below. Attach additional sheets as necessary.

**FINDINGS REQUIRED FOR GRANTING A REZONING  
OR CHANGE IN LAND DEVELOPMENT  
REGULATIONS (Sec. 70-340, LDR page CD70:16)**

It is the Applicant's responsibility to convince the Planning Board/LPA and City Council that approval of the proposed rezoning is justified. Specifically, the Applicant should provide in his/her application and presentation sufficient explanation and documentation to convince the reviewing bodies to find that:

1. The proposed rezoning is not contrary to Comprehensive Plan requirements.
2. The proposed use being applied for is specifically authorized under the zoning district in the Land Development Regulations.
3. The proposed use will not have an adverse effect on the public interest.
4. The proposed use is appropriate for the location proposed, is reasonably compatible with adjacent land uses, and is not contrary or detrimental to urbanizing land use patterns.
5. The proposed use will not adversely affect property values or living conditions, or be a deterrent to the improvement or development of adjacent property.

Findings required for rezoning or change in land development regulations (cont.)

6. The proposed use can be suitably buffered from surrounding uses, so as to reduce the impact of any nuisance or hazard to the neighborhood
7. The proposed use will not create a density pattern that would overburden public facilities such as schools, streets, and utility services
8. The proposed use will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.
9. The proposed use has not been inordinately burdened by unnecessary restrictions.

The City staff will, in the Staff Report, address the request and evaluate it and the Applicant's submission in light of the above criteria and offer a recommendation for approval or denial.

## **Loumax Development, Inc.**

### **Responses to Standards for Considering Changes in Zoning**

**1. The proposed change is not contrary to the Comprehensive Plan Requirements;**

The proposed request is not contrary to the Comprehensive plan requirements and is currently zoned Residential Multiple Family and the surrounding properties are zoned industrial, single family and multi-family.

**2. The proposed use being applied for is specifically authorized under the zoning district in the Land Development Regulations;**

The proposed of expanding Industrial projects on Industrially zoned land is specifically authorized under the proposed zoning district in the Land Development Regulations.

**3. The proposed use will not have an adverse effect on the public interest;**

The proposed land use change should have a positive impact on the public interest to develop land that has access to all utilities and roads and bring the land value up as a developed parcel instead of undeveloped.

**4. The proposed use is appropriate for the location proposed, is reasonably compatible with adjacent land uses and is not contrary or detrimental to urbanizing land use patterns;**

The proposed use is appropriate for the location and compatible with the adjacent land uses.

**5. The proposed use will not adversely affect property values or living conditions, or be a detriment to the improvement or development of adjacent property;**

The proposed use should positively impact property values, living conditions and be an improvement to the adjacent property and develop previously undeveloped land.

- 6. The proposed use can be suitably buffered from surrounding uses, so as to reduce the impact of any nuisance or hazard to the neighborhood;**

The proposed use can be suitably buffered from surrounding unlike uses to the south and west. The parcel is bounded to the east by SW 7<sup>th</sup> Avenue. To the north is the applicant's Industrial Property

- 7. The proposed use will not create a density pattern that would overburden public facilities such as schools, streets, and utility services;**

The use will not create density patterns that would overburden any public facilities. The potential development impacts will be within the already available amenities.

- 8. The proposed use will create traffic congestion, flooding, or drainage problems, or otherwise affect public safety;**

The proposed use will not impact traffic congestion as this is already a heavily traveled street with adequate capacity for the additional traffic. To the east, there is a major ditch to the east where the parcel will drain into SW 7<sup>th</sup> Avenue ditch, a major collector in the City that discharges directly into the Rim Canal adjacent to Lake Okeechobee. This project will not adversely affect public safety.

- 9. The proposed use has not been inordinately burdened by unnecessary restrictions;**

The proposed use has not been inordinately burdened by unnecessary restrictions.

This Instrument prepared by:

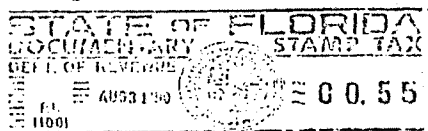
JAMES NEMEC, ESQUIRE  
2001 Palm Beach Lakes Blvd., #400  
West Palm Beach, Florida 33409

222090

FILED FOR RECORD  
OKEECHOBEE CO. FL.

90 AUG 31 PM 2:01

GLORIA J. FORD  
CLERK OF CIRCUIT COURT



# Warranty Deed,

made this 26<sup>th</sup> day of August, 1990,

Between JAMES NEMEC and RUTH B. NEMEC, his wife

having an address at County of Palm Beach, State of Florida, , grantor,\*

and RUTH GENEVIEVE SPRADLEY and GALE BARTLETT NEMEC, as Trustees, , grantee\*,

whose post office address is 7530 Clarke Road, Lake Clarke Shores, Fl. 33406

**Witnesseth:** That the grantor, for and in consideration of the sum of \$ 10.00 and other good and valuable considerations, receipt whereof by grantor is hereby acknowledged, has granted, bargained and sold to grantee, and grantee's heirs, legal representatives, successors and assigns forever, the following described land, situate, lying and being in Okeechobee County, Florida: All of Block 191, TOWN OF OKEECHOBEE, according to the plat thereof recorded in Plat Book 2, Page 17, St. Lucie County, Florida, public records, lying in Okeechobee County.

That portion of the Florida East Coast Railway Company Right-of-way, since abandoned, and of North Curve Street, since abandoned, as shown on Plat of First Addition to Okeechobee, Florida, as recorded in Plat Book 2, page 26, of the Public Records of Saint Lucie County, Florida, and in Plat Book 1, page 11, of the Public Records of Okeechobee County, Florida, which is bounded on the West by the Northerly extension of the West Line of Block 251 (same also being a part of the East line of a tract of land known as the STATION GROUNDS of said Railway Company), and on the South by a line extending from the Southernmost point of Block 191, as shown on the Plat of the Town of Okeechobee, as recorded in Plat Book 2, page 17, of the Public Records of St. Lucie County, Florida, and in Plat Book 1, page 10, of the Public Records of Okeechobee County, Florida, in a Westerly direction, said line being North of and parallel with the Westerly extension of the North line of Third Street, and which is bounded on the North by the Westerly extension of the North line of Fifth Street, of said Town of Okeechobee aforesaid and all that part of Fourth Street and Fifth Street lying West of Seventh Avenue in said town of Okeechobee. Lots 1 to 6, inclusive of Block 190, OKEECHOBEE, according to the plat thereof re-recorded in Plat Book 2, page 17 of the public records of St. Lucie County, Florida.

**Together** with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that grantor is lawfully seized of said land in fee simple; that grantor has good right and lawful authority to sell and convey said land; that grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that, except as above noted, said land is free from all encumbrances.

"Grantor" and "grantee" are used for singular or plural, as context requires.

**In Witness Whereof**, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Ray Greenberg  
Ray Greenberg  
Linda Pearson  
Linda Pearson

James Neme  
James Neme  
Ruth B. Neme  
Ruth B. Neme

STATE OF FLORIDA  
COUNTY OF PALM BEACH

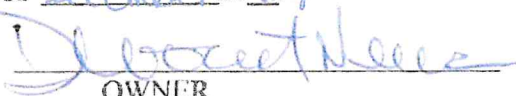
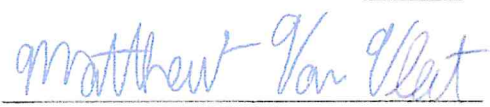
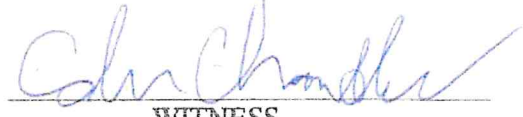


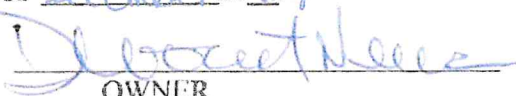
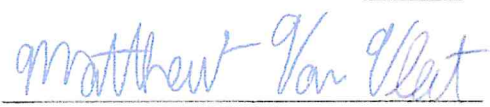
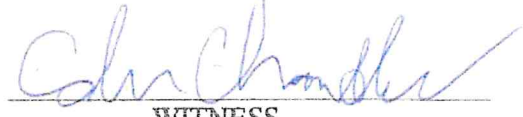


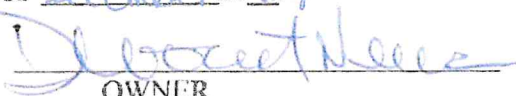
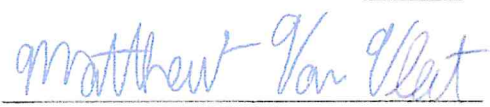
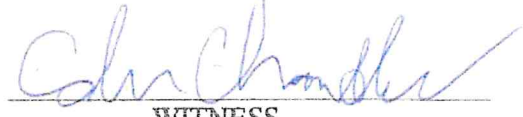


The foregoing instrument was acknowledged before me this 26 day of August, 1990, by JAMES NEMEC and RUTH B. NEMEC, his wife.

Ray Greenberg  
Notary Public

My commission expires:  
NOTARY PUBLIC STATE OF FLORIDA  
MY COMMISSION EXP JUNE 22, 1993  
BONDED THRU GENERAL INS. UND.

City of Okeechobee  
55 SE 3<sup>rd</sup> Avenue  
Okeechobee, FL 34974  
Tele: 863-763-3372 Fax: 863-763-1686

LAND USE POWER OF ATTORNEY

Name of Property Owner(s): NEMEC CHILDRENS TRUST												
Mailing Address: 608 HARBOUR POINT WAY, GREENACRES, FL 33413												
Home Telephone:	Work:	Cell: 863-634-4497										
Property Address: 500-600 BLOCK OF SW 7TH AVENUE												
Parcel ID Number: 3-15-37-35-0010-01910-0010, 3-21-37-35-0020-02510-0130, 3-15-37-35-0010-01900-0010												
Name of Applicant: LOUMAX DEVELOPMENT INC												
Home Telephone:	Work:	Cell: 954-347-1077										
<p>The undersigned, being the record title owner(s) of the real property described above, do hereby grant unto the applicant stated above the full right and power of attorney to make application to the City of Okeechobee to change the land use of said property. This land use change may include rezoning of the property, the granting of special exception or variances, and appeals of decisions of the Planning Department. It is understood that conditions, limitations and restrictions may be place upon the use or operation of the property. Misstatements upon application or in any hearing may result in the termination of any special exception or variance and a proceeding to rezone the property to the original classification. This power of attorney may be terminated only by a written and notarized statement of such termination effective upon receipt by the Planning Department.</p>												
<p>IN WITNESS WHEREOF THE UNDERSIGNED HAVE SET THEIR HAND AND SEALS THIS <u>21</u> DAY OF <u>December</u> 20<u>19</u></p> <table border="0"><tr><td> OWNER</td><td> WITNESS</td></tr><tr><td> OWNER</td><td> WITNESS</td></tr></table> <p>Before me the undersigned authority personally appeared the owner(s) named above who upon being duly sworn acknowledged before me that they are the owner(s) of the real property described above and that they executed the power of attorney for the purpose stated therein. Sworn and subscribed this <u>21<sup>st</sup></u> day of <u>December</u> 20<u>19</u>.</p> <table border="0"><tr><td>Notary Public: </td><td></td><td>Commission # GG 102811 Expires September 9, 2021 Bonded Thru Budget Notary Services</td></tr><tr><td>Commission Expires: <u>09/09/21</u></td><td></td><td></td></tr></table>			 OWNER	 WITNESS	 OWNER	 WITNESS	Notary Public: 		Commission # GG 102811 Expires September 9, 2021 Bonded Thru Budget Notary Services	Commission Expires: <u>09/09/21</u>		
 OWNER	 WITNESS											
 OWNER	 WITNESS											
Notary Public: 		Commission # GG 102811 Expires September 9, 2021 Bonded Thru Budget Notary Services										
Commission Expires: <u>09/09/21</u>												



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

## Detail by Entity Name

Florida Profit Corporation  
LOUMAX DEVELOPMENT, INC.

### Filing Information

**Document Number** P01000028001  
**FEI/EIN Number** 59-3707151  
**Date Filed** 03/19/2001  
**State** FL  
**Status** ACTIVE

### Principal Address

312 SW 7TH AVE  
OKEECHOBEE, FL 34974

Changed: 01/15/2007

### Mailing Address

P.O. BOX 5501  
FT LAUDERDALE, FL 33310

### Registered Agent Name & Address

FISHMAN, MICHAEL  
5064 NW 66 LN  
CORAL SPRINGS, FL 33067

### Officer/Director Detail

#### **Name & Address**

Title D

MARKUS, NEAL J  
1110 OYSTERWOOD ST  
HOLLYWOOD, FL 33019

Title D

FISHMAN, MICHEAL S  
5064 NW 66TH LANE  
CORAL SPRINGS, FL 33067

### Annual Reports

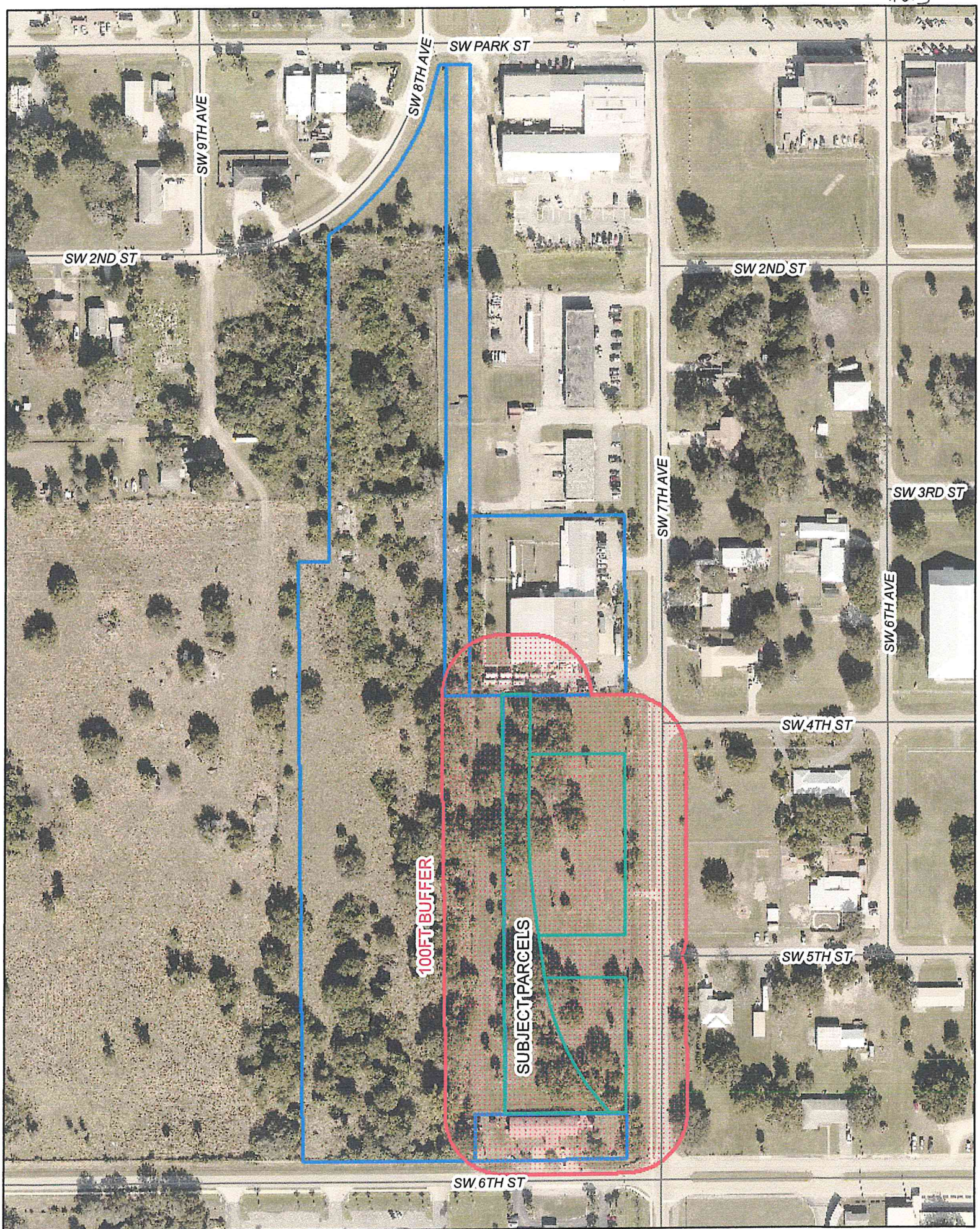
Report Year	Filed Date
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*BOUNDARY SURVEY PREPARED FOR  
LOUMAX DEVELOPMENT, INC.*

7) DATE OF LAST FIELD SURVEY: 12/30/19.

[illegible]

#20-001-R



THIS MAP HAS BEEN COMPILED FROM THE MOST AUTHENTIC INFORMATION AVAILABLE AND THE OKEECHOBEE COUNTY PROPERTY APPRAISER'S OFFICE DOES NOT ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS CONTAINED HEREON

OKEECHOBEE COUNTY PROPERTY APPRAISER'S OFFICE



PARCEL NUMBER	OWNER	ADDRESS 1	ADDRESS 2	CITY	ST	ZIP
2-21-37-35-0A00-00006-C000	HAVEN OF REST INC	32801 US HIGHWAY 441 N LOT 244		OKEECHOBEE	FL	349720296
2-21-37-35-0A00-00053-0000	SALRY RR	C/O CSX CORP	500 WATER ST J910	JACKSONVILLE	FL	332020000
2-21-37-35-0A00-00013-0000	DIOCESE OF PALM BEACH	ATTN REAL ESTATE DEPT	P O BOX 109650	PALM BEACH GARDENS	FL	334100000
3-21-37-35-0020-02510-0010	A CHILD'S WORLD CHILDCARE &	PRESCHOOL INC	703 SW 6TH ST	OKEECHOBEE	FL	349744288
3-15-37-35-0010-01970-0010	OKEECHOBEE COUNTY SCHOOL BOARD			OKEECHOBEE	FL	34972
3-21-37-35-0020-02510-0120	110 MARION ROAD INC	PO BOX 453511		MIAMI	FL	332453511
3-15-37-35-0010-01920-0100	HAMRICK SARAH REGINA REVOC TRU	P O BOX 837		OKEECHOBEE	FL	349730000
3-15-37-35-0010-01920-0070	UNDERWOOD WILLIAM L & KELLEY A	615 SW 5TH ST		OKEECHOBEE	FL	349744258
3-15-37-35-0010-01920-0040	UNDERWOOD WILLIAM L & KELLEY A	615 SW 5TH ST		OKEECHOBEE	FL	349744258
3-15-37-35-0010-01920-0010	SCHOOLEY KEVIN L & DEBORAH S	2139 SW 22ND CIR N		OKEECHOBEE	FL	349745701
3-15-37-35-0010-01890-0010	KNISELY LINDA RUCKS & ROBERT	601 SW 4TH STREET		OKEECHOBEE	FL	34974
3-15-37-35-0010-01790-0080	HILL JUDITH E	635 SW 85TH AVE		OKEECHOBEE	FL	34974
3-15-37-35-0010-01790-0060	CREECH DANIEL B	406 SW 2ND STREET		OKEECHOBEE	FL	34974
2-21-37-35-0A00-00005-0000	LOUMAX DEVELOPMENT INC	PO BOX 5501		FT LAUDERDALE	FL	33310
3-15-37-35-0010-01790-0010	BELIEVERS FELLOWSHIP	P O BOX 653		OKEECHOBEE	FL	34973
2-21-37-35-0A00-00001-A000	OKEECHOBEE PLAZA PROPERTIES	MANAGEMENT LLC	4285 21ST STREET SW	VERO BEACH	FL	32968
2-21-37-35-0A00-00001-A000	OKEECHOBEE PLAZA PROPERTIES	MANAGEMENT LLC	4285 21ST STREET SW	VERO BEACH	FL	32968
3-15-37-35-0010-01890-0100	SCHOOLEY KEVIN L & DEBORAH S	604 SW 5TH STREET		OKEECHOBEE	FL	34974
3-15-37-35-0010-01890-0040	SCHOOLEY KEVIN L & DEBORAH S	2139 SW 22ND CIR N		OKEECHOBEE	FL	349745701

Petition No. 20-001-R

# Affidavit Attesting to the Completeness and Accuracy of the List of Surrounding Property Owners

I hereby certify under the penalty of law or the revocation of the requested approval sought that to the best of my knowledge and belief, the attached list constitutes the complete and accurate list of the property owners, addresses, and parcel identification numbers of all parcels and tracts within three hundred (300) feet not including intervening streets, alleys, or waterways, of the perimeter of the lands which are subjects of, or are contiguous to but held under the same ownership as, the lands subject to the application for a change in land use or zoning, said list constituting a portion of that application. This affidavit is made based upon an inspection of the tax rolls of the Property Appraiser of Okeechobee County as of DECEMBER 19TH, 2019 and the Assertions made to me by members of that Office that the information reviewed constitutes the most recent information available to that office. I therefore attest to this 19 day of

December, 2019.

[Signature]  
Signature of Applicant

12/19/19  
Date

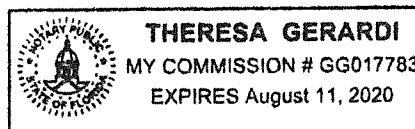
NEAL MARKUS

Name of Applicant (printed or typed)

Sworn to and subscribed before me this 19 day of DECEMBER, 2019. Personally known to me NEAL MARKUS or produced [Signature] as identification and did not take an oath.

[Signature]  
Notary Public, State of Florida

Seal:



**Okeechobee County Property Appraiser**

Mickey L. Bandi

**2019 Certified Values**

updated: 1/2/2020

Parcel: << **3-15-37-35-0010-01910-0010** >>

Aerial Viewer Pictometry Google Maps

**Owner & Property Info**

Owner	SPRADLEY RUTH G & NEMEC GALE B %NEMEC CHILDREN'S TRUST 5243 EUROPA DR UNIT P BOYNTON BEACH, FL 334370000		
Site	SW 6TH ST, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE ALL BLOCK 191		
Area	0.409 AC	S/T/R	15-37-35
Use Code**	VACANT (000000)	Tax District	50

\*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.

\*\*The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.

**Property & Assessment Values**

2018 Certified Values		2019 Certified Values	
Mkt Land (1)	\$25,087	Mkt Land (1)	\$25,087
Ag Land (0)	\$0	Ag Land (0)	\$0
Building (0)	\$0	Building (0)	\$0
XFOB (0)	\$0	XFOB (0)	\$0
Just	\$25,087	Just	\$25,087
Class	\$0	Class	\$0
Appraised	\$25,087	Appraised	\$25,087
SOH Cap [?]	\$0	SOH Cap [?]	\$0
Assessed	\$25,087	Assessed	\$25,087
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$25,087 city:\$25,087 other:\$25,087 school:\$25,087	Total Taxable	county:\$25,087 city:\$25,087 other:\$25,087 school:\$25,087

Note: Property ownership changes can cause the Assessed value of the property to reset to full Market value, which could result in higher property taxes.

**▼ Sales History**

Sale Date	Sale Price	Book/Page	Deed	V/I	Quality (Codes)	RCode
8/1/1990	\$0	316/1436	WD	V	U	03

**▼ Building Characteristics**

Bldg Sketch	Bldg Item	Bldg Desc*	Year Blt	Base SF	Actual SF	Bldg Value
NONE						

**▼ Extra Features & Out Buildings (Codes)**

Code	Desc	Year Blt	Value	Units	Dims	Condition (% Good)
NONE						

**▼ Land Breakdown**

Land Code	Desc	Units	Adjustments	Eff Rate	Land Value
161CI2	CITY LT (MKT)	223.000 FF - (0.409 AC)	1.00/1.00 1.00/1.00	\$112	\$25,087

**Okeechobee County Property Appraiser**

Mickey L. Bandi

**2019 Certified Values**

updated: 1/2/2020

Parcel: << **3-15-37-35-0010-01900-0010** >>

Aerial Viewer Pictometry Google Maps

**Owner & Property Info**

Result: 1 of 3

Owner	SPRADLEY RUTH G & NEMEC GALE B %NEMEC CHILDREN'S TRUST 608 HARBOUR POINTE WAY GREENACRES, FL 334130000		
Site	SW 7TH AVE, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE LOTS 1 TO 6 INC BLOCK 190		
Area	0.86 AC	S/T/R	15-37-35
Use Code**	VACANT (000000)	Tax District	50

\*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.

\*\*The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.

**Property & Assessment Values**

2018 Certified Values		2019 Certified Values	
Mkt Land (1)	\$41,850	Mkt Land (1)	\$41,850
Ag Land (0)	\$0	Ag Land (0)	\$0
Building (0)	\$0	Building (0)	\$0
XFOB (0)	\$0	XFOB (0)	\$0
Just	\$41,850	Just	\$41,850
Class	\$0	Class	\$0
Appraised	\$41,850	Appraised	\$41,850
SOH Cap [?]	\$0	SOH Cap [?]	\$0
Assessed	\$41,850	Assessed	\$41,850
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$41,850 city:\$41,850 other:\$41,850 school:\$41,850	Total Taxable	county:\$41,850 city:\$41,850 other:\$41,850 school:\$41,850

Note: Property ownership changes can cause the Assessed value of the property to reset to full Market value, which could result in higher property taxes.

**▼ Sales History**

Sale Date	Sale Price	Book/Page	Deed	V/I	Quality (Codes)	RCode
8/1/1990	\$0	316/1436	WD	V	U	03
4/6/1964	\$0	80/0731	QC	V	U	03
2/18/1964	\$0	79/0499	QC	V	U	03
2/17/1964	\$0	79/0497	QC	V	U	03

**▼ Building Characteristics**

Bldg Sketch	Bldg Item	Bldg Desc*	Year Blt	Base SF	Actual SF	Bldg Value
NONE						

**▼ Extra Features & Out Buildings (Codes)**

Code	Desc	Year Blt	Value	Units	Dims	Condition (% Good)
NONE						

**▼ Land Breakdown**

Land Code	Desc	Units	Adjustments	Eff Rate	Land Value

1/6/2020

Okeechobee County Property Appraiser

161C12	CITY LT (MKT)	300.000 FF - (0.860 AC)	1.00/1.00 1.00/1.00	\$140	\$41,850
Search Result: 1 of 3					
© Okeechobee County Property Appraiser   Mickey L. Bandi   Okeechobee, Florida   863-763-4422					by: GrizzlyLogic.com

**Okeechobee County Property Appraiser**

Mickey L. Bandi

**2019 Certified Values**

updated: 1/2/2020

Parcel: << **3-21-37-35-0020-02510-0130** >>**Owner & Property Info**

Owner	SPRADLEY RUTH G & NEMEC GALE B %NEMEC CHILDREN'S TRUST 608 HARBOUR POINTE WAY GREENACRES, FL 334130000		
Site	SW 6TH ST, OKEECHOBEE		
Description*	THAT PORTION OF THE FLORIDA EAST COAST RAILWAY COMPANY RIGHT-OF-WAY, SINCE ABANDONED, AND OF NORTH CURVE STREET, SINCE ABANDONED, AS SHOWN ON PLAT OF FIRST ADDITION TO OKEECHOBEE, FLORIDA, AS RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF SAINT ...more>>>		
Area	1.6 AC	S/T/R	21-37-35
Use Code**	VACANT (000000)	Tax District	50

\*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.

\*\*The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.

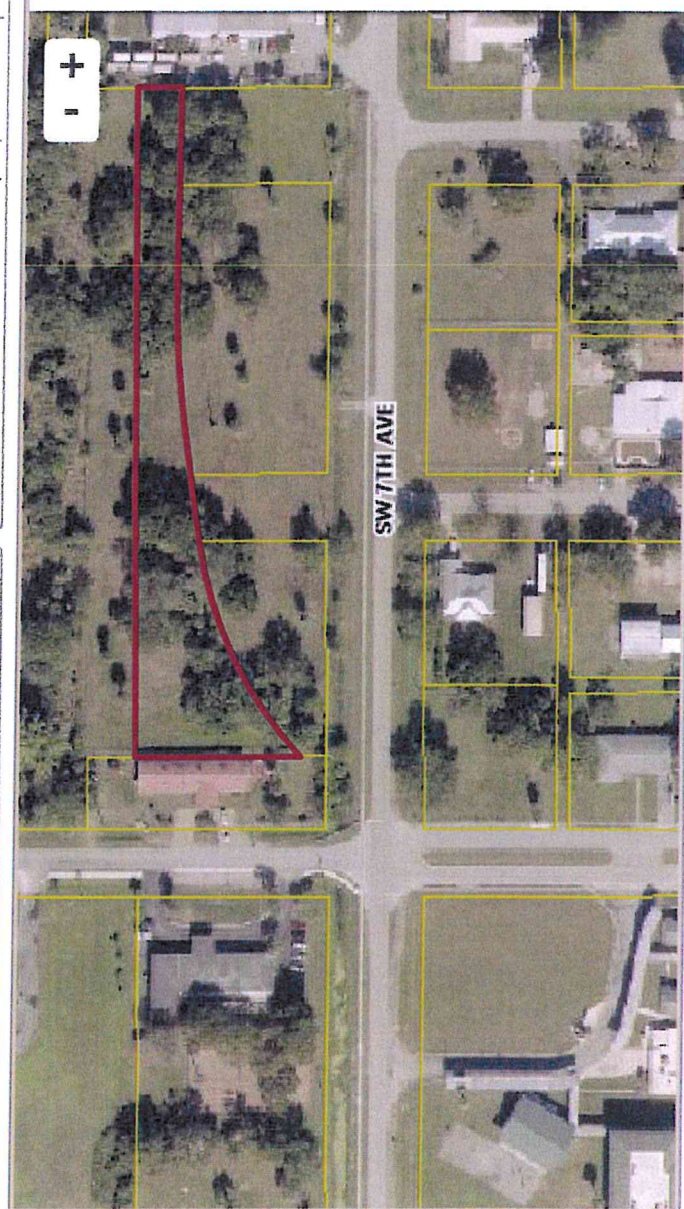
**Property & Assessment Values**

2018 Certified Values		2019 Certified Values	
Mkt Land (1)	\$15,600	Mkt Land (1)	\$16,800
Ag Land (0)	\$0	Ag Land (0)	\$0
Building (0)	\$0	Building (0)	\$0
XFOB (0)	\$0	XFOB (0)	\$0
Just	\$15,600	Just	\$16,800
Class	\$0	Class	\$0
Appraised	\$15,600	Appraised	\$16,800
SOH Cap [?]	\$0	SOH Cap [?]	\$0
Assessed	\$15,600	Assessed	\$16,800
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$15,600 city:\$15,600 other:\$15,600 school:\$15,600	Total Taxable	county:\$16,800 city:\$16,800 other:\$16,800 school:\$16,800

Note: Property ownership changes can cause the Assessed value of the property to reset to full Market value, which could result in higher property taxes.

Aerial Viewer Pictometry Google Maps

2019 2018 2017 2015 2014 Sales

**▼ Sales History**

Sale Date	Sale Price	Book/Page	Deed	V/I	Quality (Codes)	RCode
8/1/1990	\$0	316/1436	WD	V	U	03

**▼ Building Characteristics**

Bldg Sketch	Bldg Item	Bldg Desc*	Year Blt	Base SF	Actual SF	Bldg Value
NONE						

**▼ Extra Features & Out Buildings (Codes)**

Code	Desc	Year Blt	Value	Units	Dims	Condition (% Good)
NONE						

**▼ Land Breakdown**

Land Code	Desc	Units	Adjustments	Eff Rate	Land Value
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1/6/2020

Okeechobee County Property Appraiser

961CAC

NON/CONFIG (MKT)

1.600 AC

1.00/1.00 1.00/0.75

\$10,500

\$16,800

© Okeechobee County Property Appraiser | Mickey L. Bandi | Okeechobee, Florida | 863-763-4422

by: GrizzlyLogic.com



## **Staff Report**

## **Rezoning Request**

*Prepared for:*        *The City of Okeechobee*

*Applicant:*           *Neal Markus*  
                              *Loumax Development Inc*

*Address:*             *500-600 Block of SW 7th Avenue*

*Petition No.:*        *20-001-R*

## General Information

Applicant Owner	Neal Markus, Loumax Development Inc Ruth G. Spradley & Gale B. Nemec
Applicant Address	PO Box 5501, Fort Lauderdale, FL 33310
Applicant Email Address	njmarkus@gmail.com
Site Address	500-600 Block of SW 7 <sup>th</sup> Avenue
Parcel Identification	3-15-37-35-0010-01910-0010 3-15-37-35-0010-01900-0010 3-21-37-35-0020-02510-0130
Contact Person	Steven L. Dobbs
Contact Phone Number	863.824.7644
Contact Email Address	sdobbs@stevedobbsengineering.com

## Request

The matter before the Local Planning Agency and City Council is an application to rezone three vacant parcels of land totaling 2.87 acres from Residential Multiple Family to Industrial. The properties are bounded by SW 7<sup>th</sup> Ave on the east side, SW 6<sup>th</sup> Street on the south side and the Applicants existing industrial facility to the north. The Applicant has stated that the reason for these requests is expansion of existing industrial operations. According to the Applicant's representative, the current operations include manufacturing of compressed air canisters.

The subject property is designated Single Family and Multi-Family Residential on the Future Land Use Map. The Applicant has submitted a concurrent request for a small scale future land use map amendment to change the designation of these same parcels to Industrial on the City's Future Land Use Map.

The current and proposed Future Land Use designations, zoning, existing use, and acreage of the subject property and surrounding properties are shown in the following tables and on the maps.

## Future Land Use, Zoning and Existing Use

	Existing	Proposed
Future Land Use	Single Family and Multi-Family Residential	Industrial
Zoning	Residential Multiple Family	Industrial
Use of Property	Vacant	Industrial
Acreage	2.87 acres	2.87 acres

### Future Land Use, Zoning, and Existing Uses on Surrounding Properties

North	Future Land Use	Industrial
	Zoning	Industrial
	Existing Use	Loumax Development
East	Future Land Use	Single Family Residential
	Zoning	Residential Multiple Family
	Existing Use	Single Family Home and Vacant
South	Future Land Use	Multi-Family Residential
	Zoning	Residential Multiple Family
	Existing Use	Childcare Facility
West	Future Land Use	Multi-Family Residential
	Zoning	Residential Multiple Family
	Existing Use	Vacant and Pending Residential Apartment Complex

### Analysis

Section 70-340 of the Land Development Regulations requires that the reviewing body find that an application for rezoning meets each of the following conditions. The Applicant has provided brief comments to each of the required findings. These are repeated below in Times Roman typeface exactly as provided by the Applicant. Staff has made no attempt to correct typos, grammar, or clarify the Applicant's comments. Staff comments are shown in this Arial typeface.

**1. *The proposed rezoning is not contrary to Comprehensive Plan requirements.***

Applicant Comment: "The proposed request in not contrary to the Comprehensive plan requirements and is currently zoned Residential Multiple Family and the surrounding properties are zoned industrial, single family and multi-family."

Staff Comment: The property to the north of these parcels is industrial but the remainder of the surrounding properties hold residential designations on the City's Future Land Use Map and the City's Zoning Map. While much of the directly adjacent land is vacant, there exists one single family residence and a preschool across SW 7th Ave from these parcels. Other single family residences exist nearby and a new multi-family apartment project has been approved nearby as well.

The Applicant currently owns and operates a 1.6 acre industrial site to the north of these subject parcels, which is one of only a few industrial properties south of Park Street in the City. We are not recommending approval of the Applicant's requested Future land use amendment because expansion of the Industrial Future Land Use in this area would be out of character with the predominantly residential nature of the surrounding neighborhood and is therefore inconsistent with the existing pattern of development and Future Land Use Objective 12 of the City's Comprehensive Plan. Additionally, if the City Council does not approve the

Applicant's concurrent small scale future land use map amendment, then this rezoning request cannot be approved either.

**2. *The proposed use being applied for is specifically authorized under the zoning district in the Land Development Regulations.***

Applicant Comment: "The proposed of expanding of Industrial projects on Industrially zoned land is specifically authorized under the proposed zoning district in the Land Development Regulations."

Staff Comment: Manufacturing of non-explosive products is a permitted use in the Industrial zoning district.

**3. *The proposed use will not have an adverse effect on the public interest.***

Applicant Comment: "The proposed land use change should have a positive impact on the public interest to develop land that has access to all utilities and roads and bring the land value up as a developed parcel instead of undeveloped."

Staff Comment: Expansion of the Applicant's existing operations could have positive impacts on the public interest by bringing additional jobs to the community and increasing the tax base of the City. However, allowing the expansion of industrial zoning and industrial uses could have an adverse impact in this predominantly residential neighborhood and could have an adverse impact on investment in residential development in this area.

**4. *The proposed use is appropriate for the location proposed, is reasonably compatible with adjacent land uses, and is not contrary or detrimental to urbanizing land use patterns.***

Applicant Comment: "The proposed use is appropriate for the location and compatible with the adjacent land uses."

Staff Comment: If this rezoning request is approved, it would allow for expansion of industrial uses farther into an area that is predominantly residential. Industrial is typically one of the least compatible land uses to residential. In addition to the use the specific manufacturing use that the applicant is proposing at this location, it is important to consider the other uses that would be permitted according to the Industrial zoning district regulations including:

- Manufacturing, processing, except those which produce explosives
- Mechanical and repair services
- Bulk storage of nonhazardous material.
- Outdoor sales and storage, building contractor
- Wholesale sales and distribution
- Enclosed warehouse and storage
- Commercial laundry, dry cleaner
- Auto service station, car wash
- Radio, television or cable reception, transmission or operational facilities.
- Public utility.
- Public facility
- Water treatment services, (including storage of chemicals for use and/or retail sale)
- Pest control (including storage of chemicals for use and/or retail sale)
- Medical marijuana dispensary

**5. *The proposed use will not adversely affect property values or living conditions, or be a deterrent to the improvement or development of adjacent property.***

Applicant Comment: “The proposed use should positively impact property values, living conditions and be an improvement to the adjacent property and develop previously undeveloped land.”

Staff Comment: There are currently several vacant residentially zoned properties adjacent to the subject parcels. Approval of this rezoning request could affect the likeliness of those properties to be developed and could thereby affect the value of those properties. Additional heavy truck traffic in this neighborhood could also affect the living conditions of the nearby residents.

**6. *The proposed use can be suitably buffered from surrounding uses, so as to reduce the impact of any nuisance or hazard to the neighborhood.***

Applicant Comment: “The proposed use can be suitably buffered from surrounding unlike uses to the south and west. The parcel is bounded to the east by SW 7<sup>th</sup> Avenue. To the north is the applicant’s Industrial Property.”

Staff Comment: Depending on the specific activities involved, buffering can be used to alleviate some of the potential impacts of industrial uses. However, buffering will not reduce the impacts of increased heavy truck traffic in this predominantly residential neighborhood.

**7. *The proposed use will not create a density pattern that would overburden public facilities such as schools, streets, and utility services.***

Applicant Comment: “The use will not create density patterns that would overburden any public facilities. The potential development impacts will be within the already available amenities.”

Staff Comment: Potential demand for schools and recreation facilities would be reduced if this rezoning is approved. Potential demand for water, sewer and solid waste is likely to increase. Additional vehicle trips are also projected. However, approval of this request is not likely to create a density pattern that will overburden facilities.

**8. *The proposed use will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.***

Applicant Comment: “The proposed use will not impact traffic congestion as this is already a heavily traveled street with adequate capacity for the additional traffic. To the east there is a major ditch to the east where the parcel will drain into SW 7<sup>th</sup> Avenue ditch, a major collector in the City that discharges directly into the Rim Canal adjacent to Lake Okeechobee. This project will not adversely affect public safety.”

Staff Comment: There is no reason to doubt the Applicant’s comments on this finding. Drainage issues would be considered at time of site plan review.

**9. *The proposed use has not been inordinately burdened by unnecessary restrictions.***

Applicant Comment: “The proposed use has not been inordinately burdened by unnecessary restrictions.”

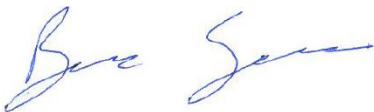
Staff Comment: The proposed use has not been inordinately burdened by unnecessary restrictions.

### Recommendation

Based on the foregoing analysis, we find the requested rezoning to Industrial to be inconsistent with the City’s Comprehensive Plan. We have reservations regarding the compatibility with adjacent uses and do not find it consistent with the urbanizing pattern of the area. Therefore, we **cannot** recommend approval of the Applicant’s rezoning request.

Additionally, we have not recommended approval of the Applicant’s concurrent request for a future land use map amendment of these parcels. If the Council does not approve that request, then this rezoning request cannot be approved either.

Submitted by:



Ben Smith, AICP  
Sr. Planner

February 11, 2020

Planning Board Public Hearing: February 20, 2020

City Council Public Hearing: (tentative) March 17, 2020

Attachments:   Future Land Use, Subject Site & Environs  
                      Zoning, Subject Site & Environs  
                      Aerial, Subject Site & Environs

200

201

S.W. 9 TH AVE

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24

26 27 28 29 30 31 32 33 34 35

1 2 3 4 5 6

251

Subject Property

190

191

S.W. 7 TH AVE

S.W. 6 TH AVE

S.W. 5 TH AVE

164 165 166

178 177 176

179 180 181

189 188 187

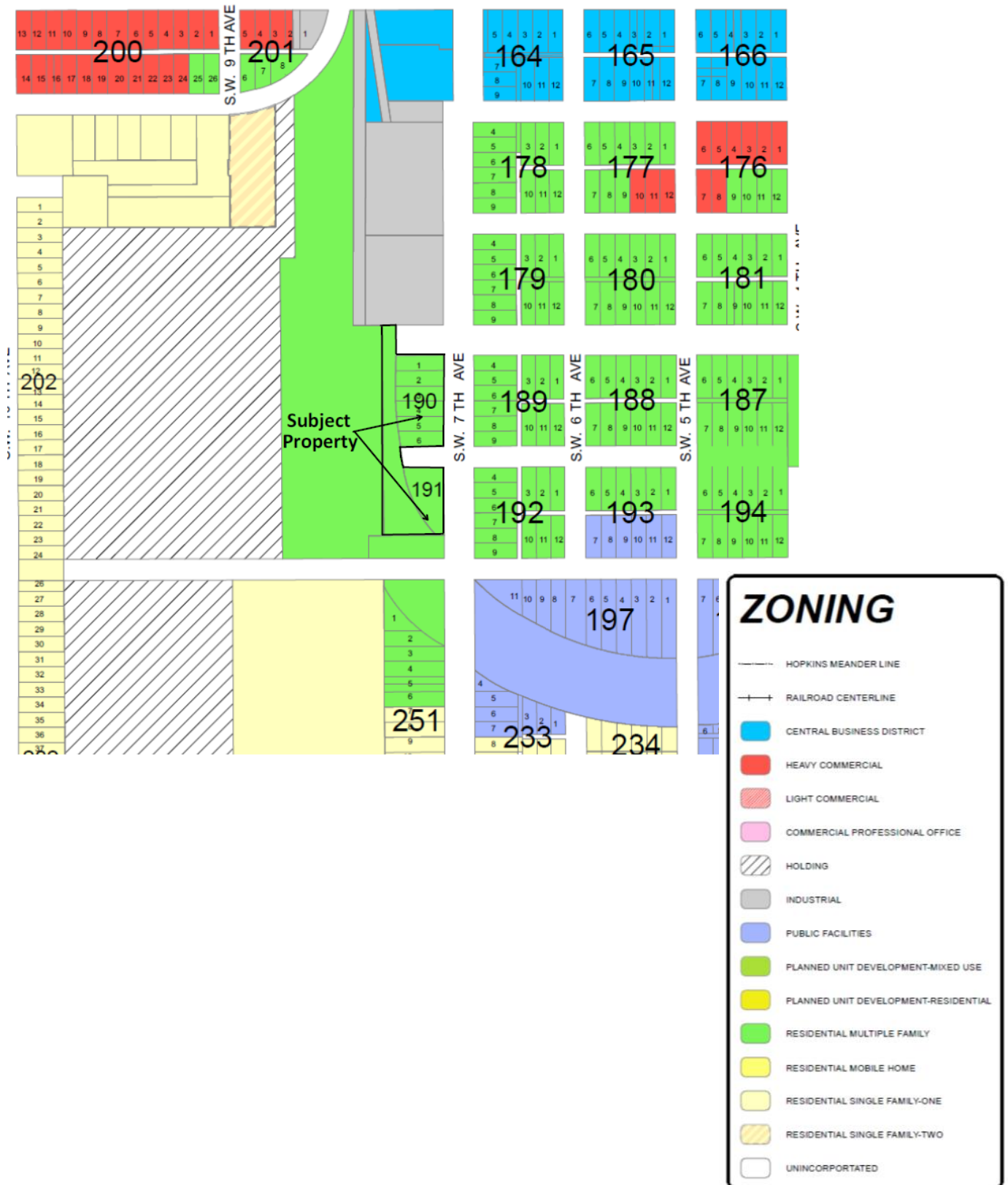
192 193 194

197 196

lot\_line

- SINGLE - FAMILY RESIDENTIAL
- MIXED USE RESIDENTIAL
- MULTI - FAMILY RESIDENTIAL
- COMMERCIAL
- INDUSTRIAL
- PUBLIC FACILITIES
- EASEMENT
- RAILROAD CENTERLINE
- HOPKINS MEANDER LINE
- UNINCORPORATED

## ZONING SUBJECT SITE AND ENVIRONS



## AERIAL SUBJECT SITE AND ENVIRONS



## **ORDINANCE NO. 1214**

**AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF OKEECHOBEE BY REZONING A CERTAIN TRACT OF LAND MORE PARTICULARLY DESCRIBED HEREIN, FROM RESIDENTIAL MULTIPLE-FAMILY TO CENTRAL BUSINESS DISTRICT (PETITION NO. 20-002-R); AMENDING THE ZONING MAP ACCORDINGLY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Okeechobee, Florida has adopted Ordinance No. 402 in which a revised Official Zoning Map was adopted for said City; and

**WHEREAS**, Best Value Real Estate, LLC has heretofore filed Petition No. 20-002-R, pursuant to the Land Development Regulations of the City of Okeechobee for the purpose of rezoning a certain tract of land consisting of approximately 0.50 acres from Residential Multiple-Family to Central Business District; and

**WHEREAS**, said Petition was reviewed by the City's Planning Consultant who determined, based on initial findings and review provided by the Applicant, that such Petition is consistent with the Comprehensive Plan; and

**WHEREAS**, said Petition being reviewed by the City's Planning Board at a duly advertised Public Hearing held on May 21, 2020, determined that such Petition is consistent with the Comprehensive Plan; and

**WHEREAS**, the City Council agreed with the recommendation of the Planning Board and hereby finds such Petition No. 20-002-R to be consistent with the City's Comprehensive Plan and deems it in the best interest of the inhabitants of said City to amend aforesaid revised Zoning Map as hereinafter set forth.

**NOW, THEREFORE**, be it ordained before the City Council of the City of Okeechobee, Florida; presented at a duly advertised public meeting; and passed by majority vote of the City Council; and properly executed by the Mayor or designee, as Chief Presiding Officer for the City; that:

### **SECTION 1:     LEGAL DESCRIPTION.**

The following described land consisting of approximately 0.50 acres, as the subject property, located in the City of Okeechobee, to-wit:

**CITY OF OKEECHOBEE BEGINNING AT THE NORTHEAST CORNER OF LOT 2, BLOCK 171, TOWN OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 5, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, AND RUN SOUTH ALONG THE EAST LINE OF LOT 2, AFORESAID A DISTANCE OF 142.50-FEET; THENCE WEST PARALLEL TO SOUTH PARK STREET TO THE INTERSECTION OF THE WEST LINE OF LOT 3, BLOCK 171 EXTENDED SOUTH; THENCE NORTH ALONG SAID EXTENDED WEST LINE A DISTANCE OF 142.50-FEET TO THE SOUTH BOUNDARY OF SOUTH PARK STREET; THENCE EAST ALONG THE SOUTH BOUNDARY OF SOUTH PARK STREET TO THE POINT OF BEGINNING. SAID LANDS ALSO DESCRIBED AS FOLLOWS: LOTS 2 AND 3, BLOCK 171, TOWN OF OKEECHOBEE, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 5, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, ALSO THAT PART OF NORTH CURVE STREET AND PART OF THE FORMER BUT NOW ABANDONED FLORIDA EAST COAST RAILROAD RIGHT-OF-WAY AS SHOWN ON PLAT OF FIRST ADDITION TO TOWN OF OKEECHOBEE, RECORDED IN PLAT BOOK 3, PAGE 26, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FL, LYING SOUTH OF AND ADJACENT TO SAID LOTS 2 AND 3, BLOCK 171, TOWN OF OKEECHOBEE AFORESAID; together with**

**LOT 4, BLOCK 171, TOWN OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 5, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA. ALSO THAT PART OF NORTH CURVE STREET AS SHOWN ON PLAT OF FIRST ADDITION TO TOWN OF OKEECHOBEE, RECORDED IN PLAT BOOK 3, PAGE 26, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, LYING SOUTH OF AND ADJACENT TO SAID LOT 4, BLOCK 171, TOWN OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 5, OF THE PUBLIC RECORDS OF**

OKEECHOBEE COUNTY, FLORIDA, AND LYING NORTH OF THE FOLLOWING DESCRIBED LINE: COMMENCE AT THE NORTHEAST CORNER OF LOT 2 OF SAID BLOCK 171; THENCE SOUTH 00°01'50" WEST, A DISTANCE OF 142.50-FEET; THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 100.00-FEET TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 4 AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 90°00'00" WEST, A DISTANCE OF 34.64-FEET TO THE POINT OF TERMINUS.

**SECTION 2:     ZONING MAP AMENDMENT.**

That the aforesaid Revised Zoning Map of the City of Okeechobee be amended to reflect the subject properties to be changed from Residential Multiple-Family to Central Business District.

**SECTION 3:     CONFLICT.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4:     SEVERABILITY.**

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

**SECTION 5:     EFFECTIVE DATE.**

This Ordinance shall become effective immediately upon adoption.

**INTRODUCED** for First Reading and set for Final Public Hearing on this **16<sup>th</sup>** day of **June**, **2020**.

**ATTEST:**

\_\_\_\_\_  
Lane Gamiotea, CMC, City Clerk

\_\_\_\_\_  
Dowling R. Watford, Jr., Mayor

**PASSED AND ADOPTED** after Second and Final Public Hearing this **7<sup>th</sup>** day of **July**, **2020**.

**ATTEST:**

\_\_\_\_\_  
Lane Gamiotea, CMC, City Clerk

\_\_\_\_\_  
Dowling R. Watford, Jr., Mayor

**REVIEWED FOR LEGAL SUFFICIENCY:**

\_\_\_\_\_  
John J. Fumero, City Attorney

<b>City of Okeechobee</b> <b>General Services Department</b> <b>55 S.E. 3<sup>rd</sup> Avenue, Room 101</b> <b>Okeechobee, Florida 34974-2903</b> <b>Phone: (863) 763-3372, ext. 9820</b> <b>Fax: (863) 763-1686</b>		Date: <u>3-12-20</u>	Petition No. <u>20-002-K</u>
		Fee Paid:	Jurisdiction: <u>PB+CC</u>
		1 <sup>st</sup> Hearing: <u>5-21-20</u>	2 <sup>nd</sup> Hearing: <u>6-16-20 &amp; 7-7-20</u>
		Publication Dates:	
		Notices Mailed:	

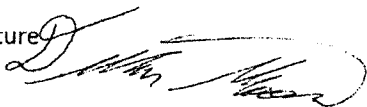
Rezone, Special Exception and Variance	
APPLICANT INFORMATION	
1	Name of property owner(s): Best Value Real Estate LLC
2	Owner mailing address: 407 Saint Andrews Dr Belleair, FL 33756-1935
3	Name of applicant(s) if other than owner Dillon Moore
4	Applicant mailing address: 407 Saint Andrews Dr Belleair, FL 33756-1935
	E-mail address: dmoore@bestvaluehealthcare.com
5	Name of contact person (state relationship): Dillon Moore, Chief Financial Officer
6	Contact person daytime phone(s): 251-802-9996
PROPERTY INFORMATION	
7	Property address/directions to property: 204 SE Park St <u>4 SE Park St</u> Okeechobee, FL 34972
8	Describe current use of property: Medical Office
9	Describe improvements on property (number/type buildings, dwelling units, occupied or vacant, etc.) 1 Office/Medical Office, 0 dwelling units, Currently in-use, non-vacant  Source of potable water: City      Method of sewage disposal: City
10	Approx. acreage: <u>0.5</u> ✓      Is property in a platted subdivision? Yes, City of Okeechobee
11	Is there a use on the property that is or was in violation of a city or county ordinance? If so, describe: No
12	Is a pending sale of the property subject to this application being granted? No
13	Describe uses on adjoining property to the North: North: City Road/City Office/Public Right of Way      East: Office Building South: Assisted Living Facility      West: City Road/Retail Stores
14	Existing zoning: Residential Multi-Family      Future Land Use classification: Commercial
15	Have there been any prior rezoning, special exception, variance, or site plan approvals on the property? ( <u>x</u> ) No ( ) Yes. If yes provide date, petition number and nature of approval.
16	Request is for: ( <u>x</u> ) Rezone ( ) Special Exception ( ) Variance
17	Parcel Identification Number: Parcel 1: 3-15-37-35-0010-01710-0020 (Practice) ✓

Parcel 2: 3-15-37-35-0010-01710-0040 (Adjoining vacant lot) ✓

REQUIRED ATTACHMENTS	
✓ 18	Applicant's statement of interest in property: Owner
✓ 19	Non-refundable application fee: Rezoning: \$850 plus \$30/acre; Special Exception: \$500 plus \$30/acre; Variance: \$500 <b>Note: Resolution No. 98-11 Schedule of Land Development Regulation Fees and Charges B</b> <b>When the cost for advertising publishing and mailing notices of public hearings exceeds the established fee, or when a professional consultant is hired to advise the city on the application, the applicant shall pay the actual costs.</b>
✓ 20	Last recorded warranty deed: 8/23/2019
✓ 21	Notarized letter of consent from property owner (if applicant is different from property owner)
✓ 22	Three property surveys (one no larger than 11x17) containing: a. Certified boundary survey, date of survey, surveyor's name, address and phone number b. Legal description of property pertaining to the application c. Computation of total acreage to nearest tenth of an acre
✓ 23	List of surrounding property owners with addresses and location sketch of the subject property. See the Information Request Form from the Okeechobee Property Appraiser's Office (attached)
✓ 24	Affidavit attesting to completeness and correctness of the list (attached)
25	Completed specific application and checklist sheet for each request checked in line 15

**Confirmation of Information Accuracy**

I hereby certify that the information in this application is correct. The information included in this application is for use by the City of Okeechobee in processing my request. False or misleading information may be punishable by a fine of up to \$500.00 and imprisonment of up to 30 days and may result in the denial of this application.

Signature 

Printed Name  
Dillon Moore

Date  
01/30/2020

**For questions relating to this application packet, call General Services Dept. at (863)-763-3372, Ext. 9820**

ADDITIONAL INFORMATION REQUIRED FOR A REZONING	
A	Current zoning classification: Residential Multi-Family Requested zoning classification Central Business District
B	Describe the desired permitted use and intended nature of activities and development of the property? Operation of existing Medical Office
C	Is a Special Exception necessary for your intended use? ( <input checked="" type="checkbox"/> ) No ( <input type="checkbox"/> ) Yes If yes, briefly describe:
D	Is a Variance necessary for your intended use? ( <input checked="" type="checkbox"/> ) No ( <input type="checkbox"/> ) Yes If yes, briefly describe:
E	Attach a Traffic Impact Study prepared by a professional transportation planner or transportation engineer, if the rezoning or proposed use will generate 100 or more peak hour vehicle trip ends using the trip generation factors for the most similar use as contained in the Institute of Transportation Engineers most recent edition of <u>Trip Generation</u> . The TIA must identify the number of net new external trips, pass-bay calculations, internal capture calculations, a.m. and p.m. peak hour trips and level of service on all adjacent roadway links with and without the project.
F	Responses addressing the required findings for granting a rezoning or change in Land Development Regulations as described below. Attach additional sheets as necessary.

**FINDINGS REQUIRED FOR GRANTING A REZONING  
OR CHANGE IN LAND DEVELOPMENT  
REGULATIONS (Sec. 70-340, LDR page CD70:16)**

It is the Applicant's responsibility to convince the Planning Board/LPA and City Council that approval of the proposed rezoning is justified. Specifically, the Applicant should provide in his/her application and presentation sufficient explanation and documentation to convince the reviewing bodies to find that:

1. The proposed rezoning is not contrary to Comprehensive Plan requirements.

This proposal is not contrary to Comprehensive Plan requirements and is being made to bring the property into compliance with the City's future land use designation and is consistent with the property's current use for the last 30+ years. The property is zoned residential multi-family while it has been used as a medical office for the last 30+ years. The intent is to continue to use the property as a medical office. No changes to the property's use are expected.

2. The proposed use being applied for is specifically authorized under the zoning district in the Land Development Regulations.

We are applying for Central Business District zoning which is consistent with surrounding properties and consistent with the property's current use.

3. The proposed use will not have an adverse effect on the public interest.

The Property is currently used as a medical office and the plan is to continue to use the property in this capacity as it has been used for the last 30+ years.

4. The proposed use is appropriate for the location proposed, is reasonably compatible with adjacent land uses, and is not contrary or detrimental to urbanizing land use patterns.

The Property is located in the down-town area of Okeechobee and there are many other small offices and other medical offices surrounding and adjacent to the property.

5. The proposed use will not adversely affect property values or living conditions, or be a deterrent to the improvement or development of adjacent property.

No changes are expected to the use of the property and the application is being made to have zoning be consistent with the property's historical and contributing use.

Findings required for rezoning or change in land development regulations (cont.)

6. The proposed use can be suitably buffered from surrounding uses, so as to reduce the impact of any nuisance or hazard to the neighborhood

The property is located in the down-town are of Okeechobee and is only open during normal working hours of approximately 8am - 5pm during weekdays. The plan is to continue this use. The property has operated in this capacity for 30+ years.

7. The proposed use will not create a density pattern that would overburden public facilities such as schools, streets, and utility services

No changes are expected to be made to the property and volume of business is not expected to change.

We are open to the idea of joining the two parcels together, should the City find that to be beneficial.

8. The proposed use will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.

The property's use is not expected to change, patient volume is not expected to substantially increase and the property's use is not expected to change.

9. The proposed use has not been inordinately burdened by unnecessary restrictions.

We intend to use the property as it has been used for the last 30+ years, as a simple primary care medical office.

The City staff will, in the Staff Report, address the request and evaluate it and the Applicant's submission in light of the above criteria and offer a recommendation for approval or denial.



Best Value Healthcare  
Best Value Real Estate  
407 St. Andrews Drive  
Belleair, FL 33756

1/30/2020

RECEIVED  
MAR 26 2020

To whom it may concern,

We respectfully ask that the City consider this application for rezoning of a property that we own located at 204 SE Park St, Okeechobee, FL.

**Parcel 1: 3-15-37-35-0010-01710-0020 (Practice)**

**Parcel 2: 3-15-37-35-0010-01710-0040 (vacant lot)**

Best Value Healthcare and Best Value Real Estate purchased the practice and land from Stanley Sweda, MD in July/August 2019 (closing of the land took place on 8/23/19) as Dr. Sweda was permanently retiring from practicing medicine. We currently employ approximately 10 people at the practice and have plans to continue successful operations in the long term. Dr. Sweda had been operating a medical practice on the premises for at least 30 years (date of incorporation 10/23/1987) prior to purchase by Best Value. The property is currently zoned Residential Multi-family for reasons unknown. The property appears to have taken on the zoning of Residential Multi-Family in 1998 despite the practice being in operation since 1987. The Property Appraiser Building Description is "OFFICE MED." The property is surrounded and directly adjacent to "Central Business District" and Commercially zoned properties. There is no other residentially zoned property on the block in which the property is located. The Future Land Use map provided by the city has the property zoned "Commercial." Based on the surrounding properties as well as the circumstances above, we feel that the most appropriate zoning is "Central Business District."

The practice has been a fixture in the community and has served thousands of patients over the past 30+ years. We look forward to continuing our successful partnership with the City of Okeechobee and its surrounding communities.

Thank you for your consideration. Please feel free to reach out to me at any time for questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dillon Moore'.

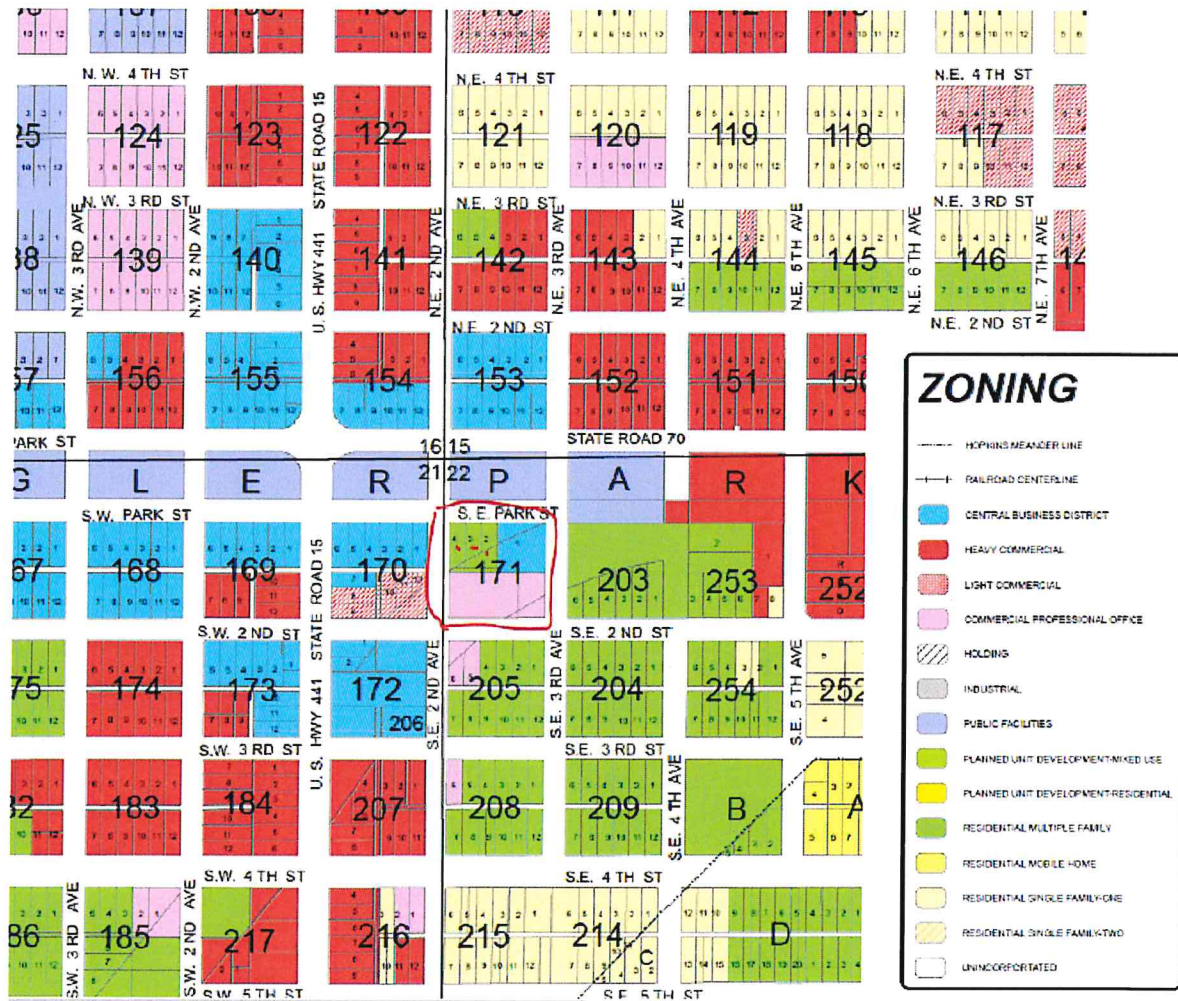
Dillon Moore

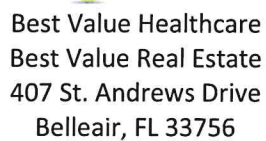
Chief Financial Officer  
[dmoore@bestvaluehealthcare.com](mailto:dmoore@bestvaluehealthcare.com)  
251-802-9996



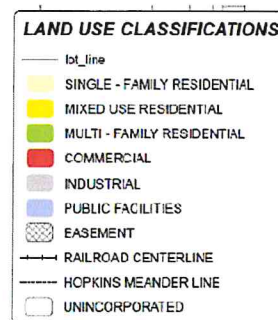
Best Value Healthcare  
Best Value Real Estate  
407 St. Andrews Drive  
Belleair, FL 33756

Current Zoning:





The map displays a residential area with a grid of lots. A red rectangle highlights lot 171, which is labeled 'PARK' and '171'. The map includes a grid of lots with numbers and colors (red, yellow, green, blue). A red rectangle highlights lot 171, which is labeled 'PARK' and '171'. The map also shows various streets, including State Road 70, and a large body of water on the right side.



FILE NUM 2019009032  
OR BK 829 PG 1950  
SHARON ROBERTSON, CLERK & COMPTROLLER  
OKEECHOBEE COUNTY, FLORIDA  
RECORDED 08/28/2019 12:20:03 PM  
ANT \$170,000.00  
RECORDING FEES \$18.50  
DEED DOC \$1,190.00  
RECORDED BY L Shain  
Pgs 1950 - 1951 (2 pgs)

This Document Prepared By and Return to:  
Christopher J. Twohey, PA  
844 SE Ocean Blvd. Suite A  
Stuart, Florida 34994

Parcel ID Number:

## Warranty Deed

This Indenture, Made this 23rd day of August, 2019 A.D., Between Stanley Sweda, M.D. (as to Parcel 1) and Gail Siekmann and Marcella Curcurito, as Personal Representatives of the Estate of Rennae Belsky Sweda, deceased (as to Parcel 2) of the County of Indian River, State of Florida, grantors, and Best Value Real Estate, LLC, a Florida limited liability company whose address is: 407 Saint Andrews Dr., Belleair, FL 33756 of the County of, State of Florida, grantee.

Witnesseth that the GRANTORS, for and in consideration of the sum of TEN DOLLARS (\$10)

and other good and valuable consideration to GRANTORS in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Okeechobee State of Florida to wit:

PARCEL 1: 3-15-37-35-0010-01710-0020

Beginning at the Northeast Corner of Lot 2, Block 171, TOWN OF OKEECHOBEE, according to the plat thereof recorded in Plat Book 5, page 5 of the Public Records of Okeechobee County, Florida, and run South along the

Continued on Attached

and the grantors do hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Printed Name: Gerard A. Scobie  
Witness

Printed Name: Nelida Castro  
Witness

Estate of Rennae Belsky Sweda, deceased

By: Gail Siekmann (Seal)

Gail Siekmann, Personal Representative  
Address: 1575 Indian River Blvd., Ste. C-120, Vero Beach, FL 32960

By: Marcella Curcurito (Seal)

Marcella Curcurito, Personal Representative  
P.O. Address: 1575 Indian River Blvd., Ste. C-120, Vero Beach, FL 32960

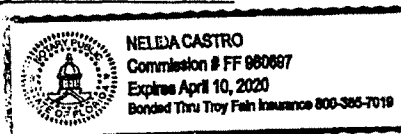
Stanley Sweda (Seal)

Stanley Sweda, M.D.  
P.O. Address: 1575 Indian River Blvd., Ste. C-120, Vero Beach, FL 32960

State of Florida  
County of Martin

The foregoing instrument was acknowledged before me this 22 day of August, 2019, by Gail Siekmann, Personal Representative and Marcella Curcurito, Personal Representative of Estate of Rennae Belsky Sweda, deceased on behalf of the estate who are personally known to me or who have produced their Florida's driver license as identification.

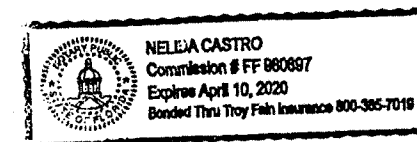
Printed Name:  
Notary Public  
My Commission Expires:



State of Florida  
County of Martin

The foregoing instrument was acknowledged before me this 23rd day of August, 2019, by Stanley Sweda, M.D. who is personally known to me or who has produced his Florida's driver license as identification.

Printed Name:  
Notary Public  
My Commission Expires:



sweda

Label Generated by CDisplay Systems, Inc. 2019 (043) 763-5553 and Form FLWD-1

## Warranty Deed - Page 2

Parcel ID Number:

East line of Lot 2, aforesaid a distance of 142.5 feet; thence West parallel to South Park Street to the intersection of the West line of Lot 3, Block 171 extended South; thence North along said extended West line a distance of 142.5 feet to the South boundary of South Park Street; thence East along the South boundary of South Park Street to the Point of Beginning. Said lands also described as follows: Lots 2 and 3, Block 171, TOWN OF OKEECHOBEE, according to plat thereof recorded in Plat Book 5, page 5, of the public records of Okeechobee County, Florida, also that part of North Curve Street and part of the former but now abandoned Florida East Coast Railroad right of way as shown on plat of First Addition to Town of Okeechobee, recorded in Plat Book 3, page 26, of the Public Records of St. Lucie County, Florida, lying South of and adjacent to said Lots 2 and 3, Block 171, Town of Okeechobee aforesaid.

**PARCEL 2: 3-15-37-35-0010-01710-0040**

Lot 4, Block 171, Town of Okeechobee, according to the plat thereof recorded in Plat Book 5, Page 5, Public Records of Public Records of Okeechobee County, Florida.

**SUBJECT TO:**

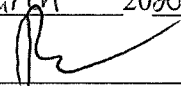
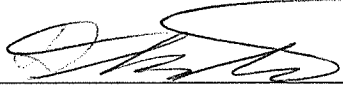
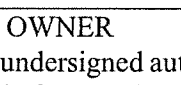
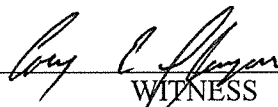
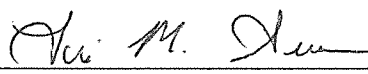
1. Taxes for the year 2019, and all subsequent years;
2. Zoning restrictions, prohibitions and other requirements imposed by governmental authority;
3. Restrictions and matters appearing on the Plat or otherwise common to the subdivision; and
4. Public utility easements of record, if any.

The property herein conveyed DOES NOT constitute the HOMESTEAD property of the Grantors.

**NOTE TO PROPERTY APPRAISER: THE ALLOCATION OF CONSIDERATION PAID FOR PARCEL 1 IS \$142,000.00 AND FOR PARCEL 2 IS \$28,000.00.**

**City of Okeechobee**  
**55 SE 3<sup>rd</sup> Avenue**  
**Okeechobee, FL 34974**  
**Tele: 863-763-3372 Fax: 863-763-1686**

**LAND USE POWER OF ATTORNEY**

<b>Name of Property Owner(s):</b> Best Value Real Estate, LLC (Rajankumar Naik, Registered Agent, Owner)		
<b>Mailing Address:</b> 407 St Andrews Dr Belleaire, FL 33756		
<b>Home Telephone:</b> 727-455-5416 <b>Work:</b> 727-455-5416 <b>Cell:</b> 727-455-5416		
<b>Property Address:</b> 204 SE Park St Okeechobee, FL 34972		
<b>Parcel ID Number:</b> 3-15-37-35-0010-01710-0020   3-15-37-35-0010-01710-0040		
<b>Name of Applicant:</b> Dillon Moore		
<b>Home Telephone:</b> 251-802-9996 <b>Work:</b> <b>Cell:</b> 251-802-9996		
<p>The undersigned, being the record title owner(s) of the real property described above, do hereby grant unto the applicant stated above the full right and power of attorney to make application to the City of Okeechobee to change the land use of said property. This land use change may include rezoning of the property, the granting of special exception or variances, and appeals of decisions of the Planning Department. It is understood that conditions, limitations and restrictions may be place upon the use or operation of the property. Misstatements upon application or in any hearing may result in the termination of any special exception or variance and a proceeding to rezone the property to the original classification. This power of attorney may be terminated only by a written and notarized statement of such termination effective upon receipt by the Planning Department.</p>		
<p>IN WITNESS WHEREOF THE UNDERSIGNED HAVE SET THEIR HAND AND SEALS THIS <u>17<sup>th</sup></u> DAY OF <u>March</u> 20<u>20</u>.</p>		
 _____ OWNER	 _____ WITNESS	
 _____ OWNER	 _____ WITNESS	
<p>Before me the undersigned authority personally appeared the owner(s) named above who upon being duly sworn acknowledged before me that they are the owner(s) of the real property described above and that they executed the power of attorney for the purpose stated therein. Sworn and subscribed this <u>17<sup>th</sup></u> day of <u>March</u> 20<u>20</u>.</p>		
Notary Public:  Commission Expires: <u>11-21-2023</u>	SEAL	

## Detail by Entity Name

Florida Limited Liability Company  
BEST VALUE REAL ESTATE, LLC

### Filing Information

**Document Number** L19000203171  
**FEI/EIN Number** 84-2847424  
**Date Filed** 08/14/2019  
**State** FL  
**Status** ACTIVE

### Principal Address

407 SAINT ANDREWS DRIVE  
BELLEAIR, FL 33756

### Mailing Address

407 SAINT ANDREWS DRIVE  
BELLEAIR, FL 33756

### Registered Agent Name & Address

NAIK, RAJANKUMAR  
407 SAINT ANDREWS DRIVE  
BELLEAIR, FL 33756

### Authorized Person(s) Detail

#### **Name & Address**

Title Manager

Naik, Rajankumar  
407 SAINT ANDREWS DRIVE  
BELLEAIR, FL 33756

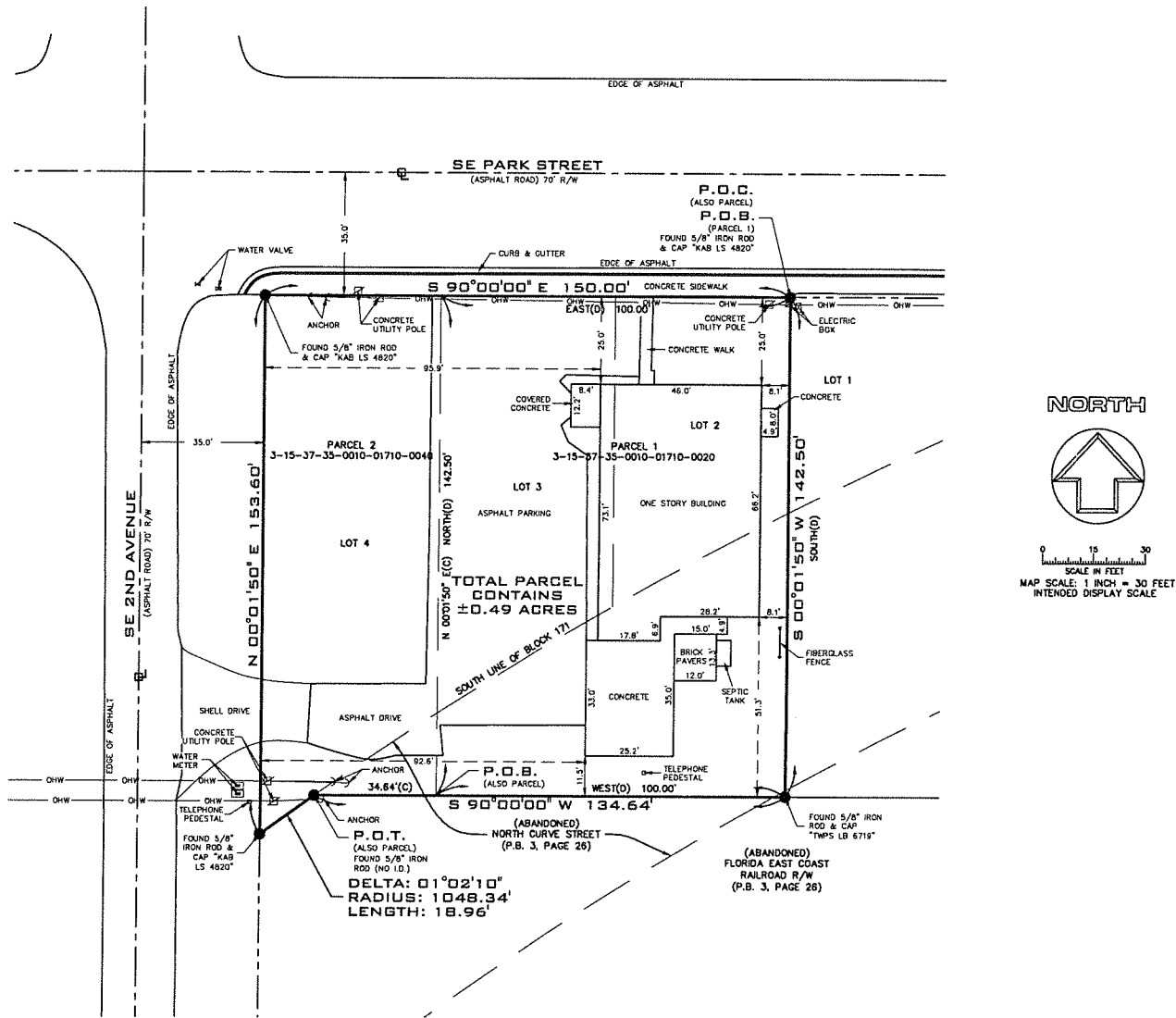
### Annual Reports

Report Year	Filed Date
2020	02/05/2020

### Document Images

<a href="#">02/05/2020 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">08/14/2019 -- Florida Limited Liability</a>	<a href="#">View image in PDF format</a>

BOUNDARY SURVEY PREPARED FOR BEST VALUE REAL ESTATE, LLC.



DESCRIPTION:

PARCEL 1:  
CITY OF OKEECHOBEE BEGINNING AT THE NORTHEAST CORNER OF LOT 2, BLOCK 171, TOWN OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 5, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, AND RUN SOUTH ALONG THE EAST LINE OF LOT 2, AFORESAID A DISTANCE OF 142.5 FEET; THENCE WEST PARALLEL TO SOUTH PARK STREET TO THE INTERSECTION OF THE WEST LINE OF LOT 3, BLOCK 171 EXTENDED SOUTH; THENCE NORTH ALONG SAID EXTENDED WEST LINE A DISTANCE OF 142.5 FEET TO THE SOUTH BOUNDARY OF SOUTH PARK STREET; THENCE EAST ALONG THE SOUTH BOUNDARY OF SOUTH PARK STREET TO THE POINT OF BEGINNING. SAID LANDS ALSO DESCRIBED AS FOLLOWS: LOTS 2 AND 3, BLOCK 171, TOWN OF OKEECHOBEE, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 5, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, ALSO THAT PART OF NORTH CURVE STREET AND PART OF THE FORMER BUT NOW ABANDONED FLORIDA EAST COAST RAILROAD RIGHT OF WAY AS SHOWN ON PLAT OF FIRST ADDITION TO TOWN OF OKEECHOBEE, RECORDED IN PLAT BOOK 3, PAGE 26, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, LYING SOUTH OF AND ADJACENT TO SAID LOTS 2 AND 3, BLOCK 171, TOWN OF OKEECHOBEE AFORESAID.

AND

PARCEL 2:  
LOT 4, BLOCK 171, TOWN OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 5, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA.

ALSO THAT PART OF NORTH CURVE STREET AS SHOWN ON PLAT OF FIRST ADDITION TO TOWN OF OKEECHOBEE, RECORDED IN PLAT BOOK 3, PAGE 26, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, LYING SOUTH OF AND ADJACENT TO SAID LOT 4, BLOCK 171, TOWN OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 5, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, AND LYING NORTH OF THE FOLLOWING DESCRIBED LINE:

COMMENCE AT THE NORTHEAST CORNER OF LOT 2 OF SAID BLOCK 171; THENCE SOUTH 00°01'50" WEST, A DISTANCE OF 142.50 FEET; THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 100.00 FEET TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 4 AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 90°00'00" WEST, A DISTANCE OF 34.64 FEET TO THE POINT OF TERMINUS.

PROJECT SPECIFIC NOTES:

- 1) UNLESS SHOWN OTHERWISE, ALL DIMENSIONS ARE DEED(D) AND MEASURED(M).
- 2) SITE ADDRESS: 204 SE PARK STREET.
- 3) PARCEL ID: 3-15-37-35-0010-01710-0020 & 3-15-37-35-0010-01710-0040.
- 4) F.I.R.M. ZONE: "X", MAP NO. 12093C0480C, DATED 07/16/15.
- 5) THIS SURVEY IS NOT INTENDED TO DEPICT JURISDICTIONAL AREAS OR OTHER AREAS OF LOCAL CONCERN.
- 6) SURVEYOR WAS NOT PROVIDED WITH ANY TITLE INFORMATION FOR THIS PARCEL. SURVEYOR ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF EASEMENT DIMENSIONS SHOWN HEREON, THERE MAY BE OTHER EASEMENTS OR RESTRICTIONS THAT EFFECT THIS PARCEL.
- 7) THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- 8) DATE OF LAST FIELD SURVEY: 02/20/2020.

PREPARED FOR THE EXCLUSIVE USE OF:  
BEST VALUE REAL ESTATE, LLC.

BOUNDARY SURVEY	02/26/20	FILE	WC	DMN
DESCRIPTION	DWG. DATE	FB/PG	BY	CK
SCALE 1" = 30'	DRAWING NUMBER:			
SHEET 1 OF 1	34050			

LEGEND	Found CM
Set Iron Rod and Cap "KAB LS 4820"	Found Iron Rod (and Cap)
Found Iron Rod (and Cap)	Found Pipe (and Cap)
ABBREVIATIONS	
B=Baseline; BM=Benchmark; C=Centerline; C=Calculated; CATV=Cable TV; CM=Concrete Monument; CON=Concrete; D=Deed; D=Delta or Central Angle; E=East; ELY=Easterly; E/P=Edge of Pavement; ESM=Easement; F.I.R.M.=Flood Insurance Rate Map; FID=Found; IP=Iron Pipe; IR&C=Iron Rod (and Cap); L=(Arc) Length; M=Measured; MH=Manhole; N=North; NLY=Northerly; NOD=D=National Geodetic Vertical (Datum) of 1929; NTS=Not to Scale; OHW=Overhead Wires; R=Property Line; P=Point; PC=Point of Curvature; PCC=Point of Compound Curvature; PCP=Permanent Control Point; PUB=Point of Beginning; POC=Point of Commencement; PRC=Point of Reverse Curvature; PRM=Permanent Reference Monument; P=Point of Tangency; PU&D=Public Utility and Drainage; R=Radius; R/W=Right-of-Way; S=South; SLY=Southerly; T=Tangent; TEL=Telephone Splice or Switch Box; W=West; WLY=Westerly; UTL=Utility (ies); SP=Spot Elevation based on indicated Datum	

- STANDARD NOTES:
1. No search of the public records for determination of ownership or restrictions affecting the lands shown was performed by the surveyor.
  2. The survey depicted here is prepared exclusively for those parties noted.
  3. No responsibility or liability is assumed by the surveyor for use by others not specifically named.
  4. Not valid without the signature and embossed seal of Florida licensed surveyor and mapper #4820.
  5. There are no visible above ground encroachments except as shown.
  6. No attempt was made to locate underground improvements and/or encroachments (if any) as part of this survey.
  7. This survey was prepared in accordance with and conforms to the standards of practice for professional surveyors and mappers as outlined in Chapter 5J-17, Florida Administrative Code.

TRADEWINDS SURVEYING SERVICES, LLC.

200 S.W. 3rd Avenue  
Okeechobee, FL 34974  
Tel: (863) 763-2887  
Fax: (863) 763-4342



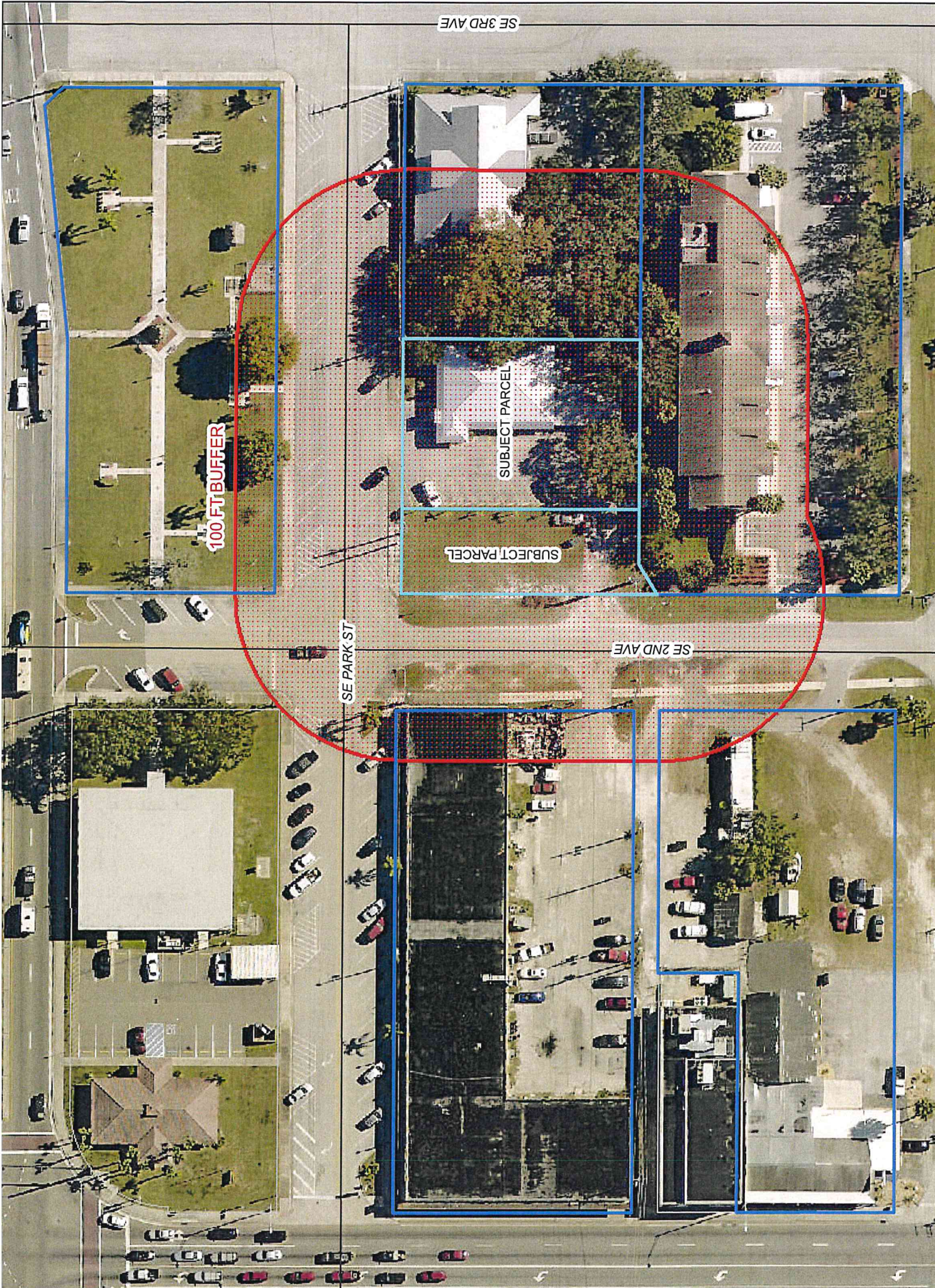
David M. Narro (PSM 6024)

PARCEL NUMBER	OWNER	ADDRESS 1	ADDRESS 2	CITY	ST	ZIP
3-15-37-35-0010-01530-0070	PMA OKEECHOBEE REALTY LLC	481 SW PORT ST LUCIE BLVD		PORT ST LUCIE	FL	349532000
3-15-37-35-0010-01530-0100	PEKING MGMT LLC	180 NW 3RD AVE STE A		OKEECHOBEE	FL	349724118
3-15-37-35-0010-01530-0110	CONLON DAVID M & ROSE M	100 SW 15TH ST		OKEECHOBEE	FL	349745256
3-15-37-35-0010-01540-0010	SPIRIT CV OKEECHOBEE FL LLC	%CVS #3237-01/OCC EXP DEPT	1 CVS DRIVE	WOONSOCKET	RI	28956146
3-15-37-35-0010-01700-0010	DANIEL DAVID R III	548 NW 50TH DR		OKEECHOBEE	FL	34972
3-15-37-35-0010-01700-0070	UNITED TELEPHONE COMPANY OF FL	EMBARQ CORP ATTN: PROPERTY TAX	P O BOX 2599	OLATHE	KS	66063
3-15-37-35-0010-01700-0080	BE A MAN BUY LAND LLC	4260 SE FEDERAL HWY		STUART	FL	349974937
3-15-37-35-0010-01710-0010	VISITING NURSE ASSOCIATION OF	FLORIDA INC	2400 SE MONTEREY ROAD #300	STUART	FL	34996
3-15-37-35-0010-01710-0050	VISITING NURSE ASSOCIATION OF	FLORIDA INC	2400 SE MONTEREY RD STE 300	STUART	FL	349960000
3-15-37-35-0010-01710-0080	CITY OF OKEECHOBEE	55 SE 3RD AVENUE		OKEECHOBEE	FL	349742903
3-15-37-35-0010-01720-0010	PATEL J D & PATEL N TRUSTEE	201 S PARROTT AVE		OKEECHOBEE	FL	349744338
3-21-37-35-0020-02050-0010	ANITA'S RENTAL PROPERTIES INC	701 NE 3RD ST		OKEECHOBEE	FL	349724576
3-21-37-35-0020-02050-0020	MILES MICHAEL L & GLORIA J	2382 SW 2ND CT		OKEECHOBEE	FL	349743935
3-21-37-35-0020-02050-0030	HANCOCK SAMMY & HANCOCK TY	990 SE 23RD ST		OKEECHOBEE	FL	349745392
3-21-37-35-0020-02050-0040	ROSSI CHRIS	204 SE 2ND ST		OKEECHOBEE	FL	34974
3-21-37-35-0020-02050-0050	LKMS LLC	P OX 625		OKEECHOBEE	FL	34973
3-21-37-35-0020-02530-0020	AMERICAN LEGION POST 64	501 SE 2ND STREET		OKEECHOBEE	FL	349740000
3-15-37-35-0010-01690-0130	CITY OF OKEECHOBEE	55 SE 3RD AVENUE		OKEECHOBEE	FL	349742903
3-15-37-35-0010-01690-0130	CITY OF OKEECHOBEE	55 SE 3RD AVENUE		OKEECHOBEE	FL	349742903



OKEECHOBEE COUNTY PROPERTY APPRAISER'S OFFICE

THIS MAP HAS BEEN COMPILED FROM THE MOST AUTHENTIC INFORMATION AVAILABLE AND THE OFFICE DOES NOT ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS CONTAINED HEREON



Petition No. 20-002-R

# Affidavit Attesting to the Completeness and Accuracy of the List of Surrounding Property Owners

I hereby certify under the penalty of law or the revocation of the requested approval sought that to the best of my knowledge and belief, the attached list constitutes the complete and accurate list of the property owners, addresses, and parcel identification numbers of all parcels and tracts within three hundred (300) feet not including intervening streets, alleys, or waterways, of the perimeter of the lands which are subjects of, or are contiguous to but held under the same ownership as, the lands subject to the application for a change in land use or zoning, said list constituting a portion of that application. This affidavit is made based upon an inspection of the tax rolls of the Property Appraiser of Okeechobee County as of February 10, 2020 and the Assertions made to me by members of that Office that the information reviewed constitutes the most recent information available to that office. I therefore attest to this 17 day of

March, 2020.

[Signature]

Signature of Applicant

3/17/2020

Date

Dillon Moore

Name of Applicant (printed or typed)

State of Florida

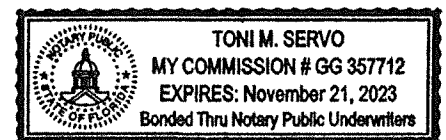
County of Okeechobee

Sworn to and subscribed before me this 17<sup>th</sup> day of March, 2020. Personally known to me ✓ or produced \_\_\_\_\_ as identification and did not take an oath.

[Signature]

Notary Public, State of Florida

Seal:



**Okeechobee County Property Appraiser**

Mickey L. Bandi

**2019 Certified Values**

updated: 3/5/2020

Parcel: &lt;&lt; 3-15-37-35-0010-01710-0020 &gt;&gt;

Aerial Viewer Pictometry Google Maps

**Owner & Property Info**

Result: 1 of 2

Owner	<b>BEST VALUE REAL ESTATE LLC</b> 407 SAINT ANDREWS DR BELLEAIR, FL 337561935		
Site	204 SE PARK ST, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE BEGINNING AT THE NORTHEAST CORNER OF LOT 2, BLOCK 171, TOWN OF OKEECHOBEE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 5, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, AND RUN SOUTH ALONG THE EAST LINE OF LOT 2, AFORESAID A DISTANCE OF 142.5 FEET; THENCE WEST PARALLEL TO SOUTH PARK STREET TO THE INTERSECTION OF THE WEST LINE OF LOT 3, BLOCK 171 EXTENDED SOUTH; THENCE NORTH ALONG SAID EXTENDED WEST LINE A DISTANCE OF 142.5 FEET TO THE SOUTH BOUNDARY OF SOUTH PARK STREET; THENCE EAST ALONG THE SOUTH BOUNDARY OF SOUTH PARK STREET TO THE POINT OF BEGINNING. SAID LANDS ALSO DESCRIBED AS FOLLOWS: LOTS 2 AND 3, BLOCK 171, TOWN OF OKEECHOBEE, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 5, OF THE PUBLIC RECORDS OF OKEECHOBEE COUNTY, FLORIDA, ALSO THAT PART OF NORTH CURVE STREET AND PART OF THE FORMER BUT NOW ABANDONED FLORIDA EAST COAST RAILROAD RIGHT OF WAY AS SHOWN ON PLAT OF FIRST ADDITION TO TOWN OF OKEECHOBEE, RECORDED IN PLAT BOOK 3, PAGE 26, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, LYING SOUTH OF AND ADJACENT TO SAID LOTS 2 AND 3, BLOCK 171, TOWN OF OKEECHOBEE AFORESAID. <<<less		
Area	0.325 AC	S/T/R	15-37-35
Use Code**	PROFESS SV (001900)	Tax District	50

\*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.

\*\*The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning & Development at 863-763-5548 for zoning info.

**Property & Assessment Values**

2018 Certified Values		2019 Certified Values	
Mkt Land (1)	\$70,470	Mkt Land (1)	\$70,470
Ag Land (0)	\$0	Ag Land (0)	\$0
Building (1)	\$191,992	Building (1)	\$194,278
XFOB (3)	\$3,503	XFOB (3)	\$3,847
Just	\$265,965	Just	\$268,595
Class	\$0	Class	\$0
Appraised	\$265,965	Appraised	\$268,595
SOH Cap [?]	\$0	SOH Cap [?]	\$0
Assessed	\$265,965	Assessed	\$268,595
Exempt	\$0	Exempt	\$0
Total Taxable	county:\$265,965 city:\$265,965 other:\$265,965 school:\$265,965	Total Taxable	county:\$268,595 city:\$268,595 other:\$268,595 school:\$268,595

Note: Property ownership changes can cause the Assessed value of the property to reset to full Market value, which could result in higher property taxes.

RMF/c



**Okeechobee County Property Appraiser**

Mickey L. Bandi

**2019 Certified Values**

updated: 3/5/2020

Parcel: &lt;&lt; 3-15-37-35-0010-01710-0040 &gt;&gt;

Aerial Viewer Pictometry Google Maps

**Owner & Property Info**

Owner	BEST VALUE REAL ESTATE LLC 407 SAINT ANDREWS DR BELLEAIR, FL 337561935		
Site	SE PARK ST, OKEECHOBEE		
Description*	CITY OF OKEECHOBEE (PLAT BOOK 1 PAGE 10 & PLAT BOOK 5 PAGE 5) LOT 4 BLOCK 171		
Area	0.175 AC	S/T/R	15-37-35
Use Code**	VACANT COM (001000)	Tax District	50

\*The Description above is not to be used as the Legal Description for this parcel in any legal transaction.

\*\*The Use Code is a Dept. of Revenue code. Please contact Okeechobee County Planning &amp; Development at 863-763-5548 for zoning info.

**Property & Assessment Values**

2018 Certified Values		2019 Certified Values	
Mkt Land (1)	\$28,836	Mkt Land (1)	\$28,836
Ag Land (0)	\$0	Ag Land (0)	\$0
Building (0)	\$0	Building (0)	\$0
XFOB (0)	\$0	XFOB (0)	\$0
Just	\$28,836	Just	\$28,836
Class	\$0	Class	\$0
Appraised	\$28,836	Appraised	\$28,836
SOH Cap [?]	\$0	SOH Cap [?]	\$0
Assessed	\$28,836	Assessed	\$28,836
Exempt	\$0	Exempt	\$0
Total	county:\$28,836	Total	county:\$28,836
Taxable	city:\$28,836	Taxable	city:\$28,836
	other:\$28,836		other:\$28,836
	school:\$28,836		school:\$28,836

Note: Property ownership changes can cause the Assessed value of the property to reset to full Market value, which could result in higher property taxes.

**▼ Sales History**

Sale Date	Sale Price	Book/Page	Deed	V/I	Quality (Codes)	RCode
8/23/2019	\$170,000	829/1950	WD	V	U	19
2/26/1996	\$5,000	375/1078	WD	V	U	03
6/19/1979	\$0	229/1233	PR	V	U	03
12/1/1965	\$0	101/0765	WD	V	U	03

**▼ Building Characteristics**

Bldg Sketch	Bldg Item	Bldg Desc*	Year Blt	Base SF	Actual SF	Bldg Value
N O N E						

**▼ Extra Features & Out Buildings (Codes)**

Code	Desc	Year Blt	Value	Units	Dims	Condition (% Good)
N O N E						

**▼ Land Breakdown**

Land Code	Desc	Units	Adjustments	Eff Rate	Land Value
067EP2	SE PARK ST (MKT)	50.000 FF - (0.175 AC)	1.00/1.00 1.00/0.80	\$577	\$28,836



## **Staff Report**

### **Rezoning Request**

*Prepared for:*        *The City of Okeechobee*

*Applicant:*           *Dillon Moore, CFO*  
                              *Best Value Healthcare*

*Address:*             *204 SE Park Street*

*Petition No.:*        *20-002-R*

## General Information

Applicant Owner	Dillon Moore, CFO Best Value Real Estate LLC
Applicant Address	407 Saint Andrews Drive Belleair FL 33756
Applicant Email Address	dmoore@bestvaluehealthcare.com
Site Address	204 SE Park Street
Parcel Identification	3-15-37-35-0010-01710-0020 (Practice) 3-15-37-35-0010-01710-0040 (Adjoining vacant lot)
Contact Person	Dillon Moore, Chief Financial Officer
Contact Phone Number	251.802.9996
Contact Email Address	dmoore@bestvaluehealthcare.com
For the legal description of the project or other information regarding this application, please refer to the application submittal package which is available by request at City Hall and is posted on the City's website prior to the advertised public meeting at <a href="https://www.cityofkeechobee.com/agendas.html">https://www.cityofkeechobee.com/agendas.html</a> .	

## Request

The matter before the Local Planning Agency and City Council is an application to rezone a 0.5 acre parcel located at 204 SE Park Street consisting of a medical office and the adjacent vacant property. The Applicant is requesting to rezone from Residential Multiple Family to Central Business District, to continue operations of a medical practice. The subject property is designated Commercial on the Future Land Use Map.

The Applicant/Owner Best Value Healthcare and Best Value Real Estate purchased the medical practice and land from Stanley Sweda, MD in July/August 2019 as Dr. Sweda was permanently retiring from practicing medicine. They currently employ approximately 10 people at the practice and have plans to continue successful operations in the long term. Dr. Sweda had been operating a medical practice on the premises for at least 30 years (date of incorporation 10/23/1987) prior to purchase by Best Value.

The current and proposed Future Land Use designations, zoning, existing use, and acreage of the subject property and surrounding properties are shown in the following tables and on the maps.

### Future Land Use, Zoning and Existing Use

	Existing	Proposed
Future Land Use	Commercial	Commercial
Zoning	Residential Multi-Family	Central Business District
Use of Property	Medical Office	Medical Office
Acreage	0.5 acre	0.5 acre

### Future Land Use, Zoning, and Existing Uses on Surrounding Properties

<b>North</b>	Future Land Use	Public Facilities
	Zoning	Public Facilities
	Existing Use	Park
<b>East</b>	Future Land Use	Commercial
	Zoning	Central Business District
	Existing Use	Business (Visiting Nurse Association)
<b>South</b>	Future Land Use	Commercial
	Zoning	Commercial Professional Office
	Existing Use	Assisted Living Facility
<b>West</b>	Future Land Use	Commercial
	Zoning	Central Business District and Light Commercial
	Existing Use	Business (Retail Strip Center)

### Analysis

Section 70-340 of the Land Development Regulations requires that the reviewing body find that an application for rezoning meets each of the following conditions. The Applicant has provided brief comments to each of the required findings. These are repeated below in Times Roman typeface exactly as provided by the Applicant. Staff has made no attempt to correct typos, grammar, or clarify the Applicant's comments. Staff comments are shown in this Arial typeface.

**1. *The proposed rezoning is not contrary to Comprehensive Plan requirements.***

Applicant Comment: "This proposal is not contrary to Comprehensive Plan requirements and is being made to bring the property into compliance with the City's future land use designation and is consistent with the property's current use for the last 30+ years. The property is zoned residential multi-family while it has been used as a medical office for the last 30+ years. The intent is to continue to use the property as a medical office. No changes to the property's use are expected."

Staff Comment: The current zoning of residential multifamily is not appropriate for the commercial future land use designation. However, policy 2.1(d) of the future land use (FLU) element specifically lists the CBD zoning district as appropriate in the commercial future land use category.

FLU Policy 2.2 states that the City will continue to protect the use and value of private property from adverse impacts of incompatible land uses, activities and hazards. Additionally, FLU Objective 12 states that the City of Okeechobee shall encourage compatibility with adjacent uses, and curtailment of uses inconsistent with the character and land uses of surrounding areas and shall discourage urban sprawl. For the reasons stated in the comments below, we agree that the Applicant's requested map change is consistent with FLU Policy 2.2, FLU Objective 12 and all other requirements of the Comprehensive Plan.

**2. *The proposed use being applied for is specifically authorized under the zoning district in the Land Development Regulations.***

Applicant Comment: "We are applying for Central Business District zoning which is consistent with surrounding properties and consistent with the property's current use."

Staff Comment: Section 90-312 specifically lists medical office as a permitted use within the CBD zoning district.

**3. *The proposed use will not have an adverse effect on the public interest.***

Applicant Comment: "The Property is currently used as a medical office and the plan is to continue to use the property in this capacity as it has been used for the last 30+ years."

Staff Comment: The proposed use has been providing medical services to the community for many years and does not have an adverse impact on the public interest.

**4. *The proposed use is appropriate for the location proposed, is reasonably compatible with adjacent land uses, and is not contrary or detrimental to urbanizing land use patterns.***

Applicant Comment: "The Property is located in the down-town area of Okeechobee and there are many other small offices and other medical offices surrounding and adjacent to the property."

Staff Comment: The subject property is separated one block from SR 70 by municipal park area, and is within the business area of downtown Okeechobee. A health care facility lies to the east, an assisted living facility to the south, and retail to the west. Except for the public facility zoning of the park, the property is surrounded by commercial zoning.

**5. *The proposed use will not adversely affect property values or living conditions, or be a deterrent to the improvement or development of adjacent property.***

Applicant Comment: "No changes are expected to the use of the property and the application is being made to have zoning be consistent with the property's historical and contributing use."

Staff Comment: The property has been used as a medical office for many years and the applicant has stated their intent to continue that use. No adverse effects are expected.

**6. *The proposed use can be suitably buffered from surrounding uses, so as to reduce the impact of any nuisance or hazard to the neighborhood.***

Applicant Comment: “The property is located in the down-town are of Okeechobee and is only open during normal working hours of approximately 8am - 5pm during weekdays. The plan is to continue this use. The property has operated in this capacity for 30+ years.”

Staff Comment: The medical office use should not cause any nuisances or hazards that would require buffering from the adjacent land uses. The adjacent land uses are compatible, and the applicant has not proposed any major site improvements at this time that would require additional buffering.

**7. *The proposed use will not create a density pattern that would overburden public facilities such as schools, streets, and utility services.***

Applicant Comment: “No changes are expected to be made to the property and volume of business is not expected to change. We are open to the idea of joining the two parcels together, should the City find that to be beneficial.”

Staff Comment: The Applicant is not proposing any changes in the current use that would increase demand for public facilities.

**8. *The proposed use will not create traffic congestion, flooding or drainage problems, or otherwise affect public safety.***

Applicant Comment: “The property's use is not expected to change, patient volume is not expected to substantially increase and the property's use is not expected to change.”

Staff Comment: The Applicant is not proposing any changes in the current use that would affect public safety.

**9. *The proposed use has not been inordinately burdened by unnecessary restrictions.***

Applicant Comment: “We intend to use the property as it has been used for the last 30+ years, as a simple primary care medical office”

Staff Comment: The proposed use has not been inordinately burdened by unnecessary restrictions.

### Recommendation

Based on the foregoing analysis, we find the requested rezoning to Central Business District to be consistent with the City's Comprehensive Plan, reasonably compatible with adjacent uses, and consistent with the urbanizing pattern of the area. Therefore, we recommend **Approval** of the Applicant's rezoning request.

Submitted by:



Ben Smith, AICP  
Sr. Planner

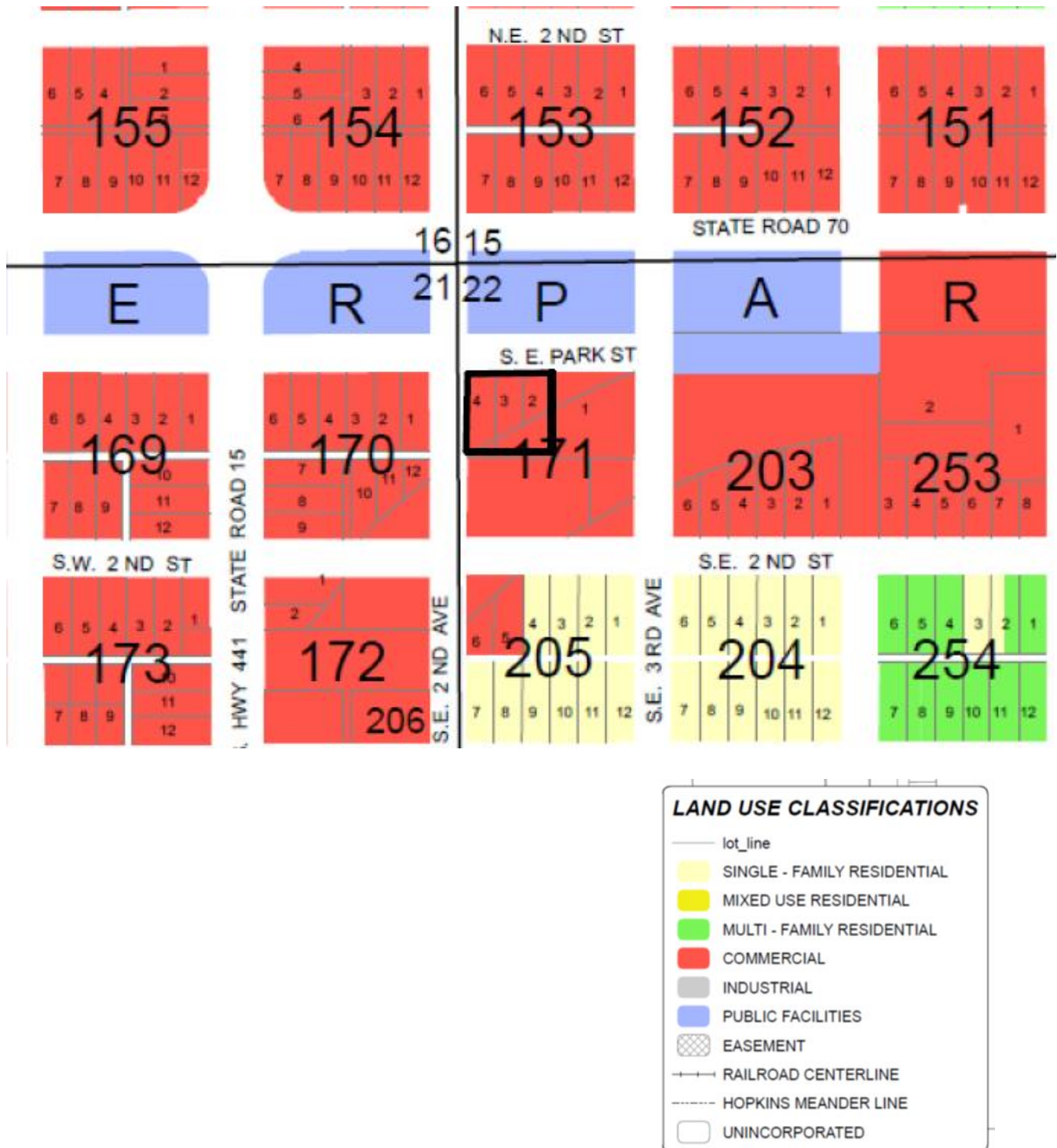
April 9, 2020

Planning Board Public Hearing: May 21, 2020

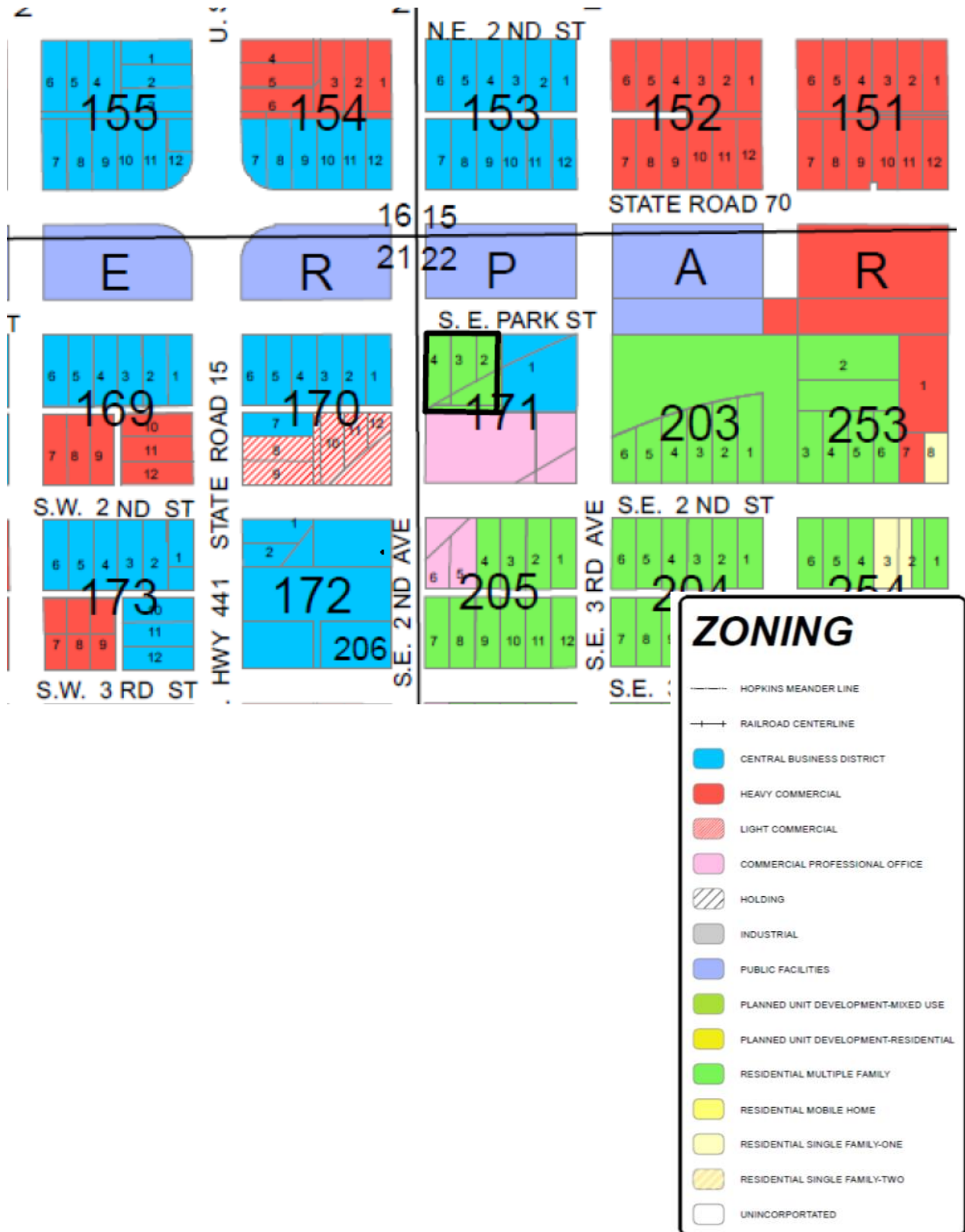
City Council Public Hearing: (tentative) June 16, 2020 and July 7, 2020

Attachments:   Future Land Use, Subject Site & Environs  
                      Zoning, Subject Site & Environs  
                      Aerial, Subject Site & Environs

**FUTURE LAND USE  
SUBJECT SITE AND ENVIRONS**



# ZONING SUBJECT SITE AND ENVIRONS



## AERIAL SUBJECT SITE AND ENVIRONS



## Memorandum

To: City Council, City Administrator & City Clerk

From: John J. Fumero, City Attorney

Subject: City of Okeechobee Charter Review

### INTRODUCTION

This is intended to be a brief outline of municipal charters, the law, and the associated charter review process and options.

First and foremost, municipal charters are important. A charter is the foundation of the local government and functions as the equivalent of a state or federal Constitution, setting forth guiding principles for governance. The charter should establish a framework for how the City operates in terms of its structure, responsibilities, functions and processes. Charter review is a basic good-government review process intended to keep the City charter relevant and in step with the needs and priorities of the citizens.

While some municipal charters provide for a timetable and process for charter amendment, the City of Okeechobee's charter does **not** specify a timetable or process for charter review. Most municipalities undergo a charter review process once every 10 to 20 years. However, Charters or charter provisions adopted or readopted subsequent to the adoption of the Municipal Home Rule Powers Act in 1973, may only be amended as provided in chapter 166 Florida Statutes.

### STATE LAW

Section 166.031, Florida Statutes, sets forth the procedures to be observed in amending municipal charters, including a requirement that a proposed amendment shall be subject to approval by referendum of the voters. A municipal charter provision adopted or readopted after the creation of the Municipal Home Rule Powers Act in 1973 must be amended in accordance with section 166.031, Florida Statutes.

Specifically, section 166.031, Florida statutes provides that:

***The governing body of a municipality may, by ordinance, ... submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries of such municipality.***

In terms of timing, the governing body of the municipality must place the proposed amendment contained in the ordinance at the next general election held within the

municipality or at a special election called for such purpose. If the proposed amendment receives the favorable vote of a majority of the municipal electors voting in the referendum, the governing body is required to incorporate the amendment into the charter and file a copy of the revised charter with the Department of State, at which time the revised charter shall become effective. While the Legislature has enacted certain exceptions to the referendum requirements of section 166.031, Florida Statutes, nothing in the Act provides a general exception to the referendum requirement for any charter amendment except those enumerated in section 166.021(4), Florida Statutes.

As a general principle, concurrent legislation enacted by a municipality may not conflict with state law; if such conflict arises, state law will prevail. Moreover, a municipality cannot forbid that which the Legislature has authorized or required, nor may it authorize that which the Legislature has forbidden.

All parts of a charter may be amended except that part defining the boundaries of the City. Boundary changes may be made only by following the statutory procedures for annexation and contraction, found in Chapter 171, F.S. Once these procedures are followed, boundary changes may be reflected in the language of the charter by action of the City Council, by ordinance and without referendum. Two other types of charter provisions may be changed without referendum. First, a municipal department which is provided for in the charter may be abolished by unanimous vote of the council. Second, charter language which has been judicially construed to be contrary to the federal or state constitution may be removed, again by unanimous vote only.

## **CHARTER SUBJECT MATTER**

A charter should contain details which are of such importance that they should not be subject to change simply by ordinance, without a public referendum. By including certain provisions in the City charter, the citizens ensure that their provisions cannot be changed hastily and without popular consent. On the other hand, subjects of less importance should not be in the charter because it should be easier to make necessary changes affecting them. In short, a happy medium should be found between including “enough” and including “too much” in the charter.

### Customary charter subject matter:

1. Powers of the City
2. City Council
3. City Manager (or other chief administrator)
4. Administrative Departments
5. Financial Procedures
6. Planning

7. Nominations and Elections
8. Initiative and Referendum
9. General Provisions
10. Transitional Provisions.

## **CHARTER AND HOME RULE**

With the advent of municipal Home Rule in 1969, a municipal government is not restricted to those powers which are listed in its charter. A city may exercise any power for municipal purposes which is not explicitly prohibited by law. That being the case, the charter need not contain an exhaustive list of municipal powers. Despite the general grant of home-rule authority, a city may not exercise powers which are prohibited to municipalities by the constitution or general law; consequently, it is useless to put such provisions into a charter, as any such provisions found in a charter are null and void.

## **THE CHARTER REVIEW AND PROCESS**

There is no charter review process that is prescribed by law. One of the threshold issues is for City Council to determine whether it shall conduct and drive the charter review process and development of the charter amendments itself versus through the appointment of a citizens' charter review committee. If pursued by City Council itself, there would need to be separately scheduled and publicly noticed charter review public workshops. On the other hand, the almost universal process followed by most principalities involves the establishment and the appointment of a citizens' charter review committee. If this option is pursued, the charter review committee is typically a body authorized by the City Council and established for the single-purpose of drafting and submitting proposed amendments. Based on past practices, the committee is comprised of anywhere from 7 to 20 registered voters are appointed to such a committee. The goal here would be to appoint objective and impartial citizens with the strong knowledge of the city, its needs, and priorities.

In either case it is important to note that charter review process is extremely time-consuming. The review process can easily take anywhere from 1 to 2 years depending on the approach and scope of the charter review. Whether charter review is pursued by City Council or a citizens committee, it is equally important to ensure that there is adequate staff support. In my experience, you would need a staff person to devote the majority of their time to shepherd the process, keep the process on a timetable and focused on the specific issues/amendments at hand, as well as provide any necessary research. My recommendation would be to have the City Council form a citizens charter review commission.

The City Clerk provided me with useful information regarding past City Council formed committees with important missions. For example, the land development review committee met for 2 ½ years on a weekly basis. In that case, the committee was staffed by two professional planners and the committee secretary serving as staff. In addition, the City formed a seven member Centennial committee which met twice a month for almost 2 years. Both efforts required a substantial commitment of time on the part of the committee members. Both efforts required substantial support staff time. Both efforts required a knowledgeable chairperson with strong management and parliamentary skills to drive the process forward. All of these examples are equally pertinent to a charter review initiative.

### **SCOPE OF THE CHARTER REVIEW PROCESS**

Whether by citizens committee or by the City Council, the initial task is to inform the public about the process, the goals, and to seek substantive public input on the issues or the subject areas and issues which should be addressed in the charter review process.

The task of the charter review committee is to prepare and present to the City Council a series of proposed amendments to the City charter, or a complete “*soup to nuts*” rewrite of the City charter. If a citizens committee is formed, there should be specific direction from City Council to the committee regarding the mission and scope of the charter review process. In some cases City Council can identify and limit the committee process to a list of issues or subject areas identified by the City Council.

### **MISSION OF THE CHARTER REVIEW COMMITTEE**

It cannot be emphasized enough that an important, initial action will be for the City Council to specifically define the scope and expectations for the charter review initiative. Generally speaking, the charter review committee may be authorized and empowered to do the following:

- Examine the City charter.
- Researching experiences of other cities under their respective charters and form of government to identify better governmental arrangements and practices.
- Education and outreach to citizens about the process, and solicit citizen input.
- Identifying specific issues or subject areas to be addressed in the charter amendments.
- Drafting proposed charter amendments in the clear, logical and consistent fashion.

## **PUBLIC OUTREACH AND PARTICIPATION**

The best charter is of little value if voters do not understand it and approve it. For this reason, many of the charter review initiatives that I reviewed in the state of Florida include a concerted effort in public outreach. This includes an interactive website with charter and charter review information, and the scheduling of numerous interactive public workshops throughout the process.

## **CONCLUSION**

to ensure a successful and timely outcome, it is important that the City Council, at the inception of charter review, to conduct public workshops in order to outline and provide direction on the charter review process, the scope of the initiative, the specific issues and guidelines to be addressed, and any other expectations. As it relates to the charter review committee, City Council must set up the process and criteria for appointment of committee members. Given the complexity and significance of the work, charter review committees require sufficient staff and other professional support, as well as an attorney to provide legal guidance and parameters. There are a number of other best practices that are recommended for charter review proceedings which can be further researched and provided.